



# NOTICE/AGENDA

## **STATE COUNCIL ON DEVELOPMENTAL DISABILITIES EMPLOYMENT FIRST COMMITTEE MEETING**

**POSTED AT:** [www.scdd.ca.gov](http://www.scdd.ca.gov)

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**JOIN ZOOM MEETING:** [2022.EFC.Meeting.Link](#)

**MEETING ID:** **935 6684 7127**

**PASSWORD:** **594468**

**JOIN BY TELECONFERENCE: (VOICE ONLY)**

**CALL IN NUMBER:** **888-475-4499**

**MEETING ID:** **935 6684 7127**

**DATE:** February 10, 2022

**TIME:** 10:30 AM – 3:30 PM

**COMMITTEE CHAIR:** Wesley Witherspoon

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**Item 1. CALL TO ORDER**




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**Item 2. ESTABLISH QUORUM**

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**Item 3. WELCOME AND INTRODUCTIONS**

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<b>Item 4.</b>	<b>PUBLIC COMMENTS</b> <i>This item is for members of the public to provide comments and/or present information to this body on matters not listed on the agenda. There will be up to 20 minutes allocated to hear from the public with each person allotted up to 3 minutes to comment.</i>  <i>Additionally, there will be up to 10 minutes allocated to hear from the public on each Council agenda item, with each person allotted up to 1 minute to comment.</i>	
<b>Item 5.</b>	<b>APPROVAL OF OCTOBER 2021 MINUTES</b> 	Page 4
<b>Item 6.</b>	<b>SELF-ADVOCATE SPOTLIGHT: VIRI SALGADO</b> <i>Presented by: Viri Salgado</i>	Page 9
<b>Item 7.</b>	<b>INTRODUCTION TO EMPLOYMENT DEAP</b> <i>Presented by: Mary Ellen Stives and Tania Morawiec</i>	Page 10
<b>Item 8.</b>	<b>UPDATE ON TARGET PRIORITIES</b>  <i>Presented by: Wesley Witherspoon and Tania Morawiec</i> A. 2021 Targeted Priority Update B. Workgroup Updates C. SB 639 Implementation Update D. 2022 Targeted Priority Selection	Page 11
<b>Item 9.</b>	<b>STATE LEGISLATIVE UPDATES</b>  <i>Presented by: Bridget Kolakosky</i>	Page 12
<b>Item 10.</b>	<b>FIRST DRAFT – 2021 EMPLOYMENT FIRST REPORT</b> <i>Presented by: All; Led by: Robin Maitino-Erben</i>	Page 52
<b>Item 11.</b>	<b>UPDATE ON CIE BLUEPRINT IMPLEMENTATION</b> <i>Presented by: CDE, DOR and DDS</i>	Page 70
<b>Item 12.</b>	<b>UPDATE ON THE IMPLEMENTATION OF THE DATA SHARING LEGISLATION</b> <i>Presented by: Michael Luna</i>	Page 71
<b>Item 13.</b>	<b>MEMBER UPDATES</b> <i>Presented by: All</i>	Page 72
<b>Item 14.</b>	<b>FUTURE MEETINGS AND ADJOURNMENT</b> <i>May 12th, July 14th, and October 20th</i>	

***Accessibility:***

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*All times indicated and the order of business are approximate and subject to change.*

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February 10, 2022

**AGENDA ITEM 5.**

**ACTION ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***Approval of October 2021 Minutes***

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Members will be presented with the draft minutes from the October 2021 meeting for consideration.

***Action Recommended***

Approve October 2021 minutes.

***Attachments***

October 7, 2021 Meeting Minutes



**DRAFT**

## **Employment First Committee Meeting Minutes October 7, 2021**

### **Attending Members**

Cindy Chiu (DOR)  
Sarah Issacs (DRC)  
Michael Clay (DDS)  
Wilbert Francis (UCLA)  
Steve Ruder (UCD)  
Nick Wavrin (CDE)  
Wesley Witherspoon (SA)  
Larry Yin (USC)

### **Members Absent**

None

### **Others Attending**

Bridget Kolakosky  
Matt Traverso  
Tania Morawiec  
Riana Hardin  
Rebecca Donabed  
Mary Ellen Stives  
Marina Matgaryan  
Arturo Cazares  
Michael Luna

#### **1. CALL TO ORDER**

Chairperson Wesley Witherspoon (SA) called the meeting to order at 10:38 a.m.

#### **2. ESTABLISH QUORUM**

A quorum was established.

#### **3. WELCOME/INTRODUCTIONS**

Members and others introduced themselves.

#### **4. PUBLIC COMMENTS**

None.

#### **5. APPROVAL OF THE JULY 2021 MEETING MINUTES**

It was moved/seconded (Isaacs/Wavrin) and carried to approve the July 2021 meeting minutes with amendment to add in public comment from the meeting. (all present voted in favor. See page one for members in attendance.)

#### **6. SELF-ADVOCATE SPOTLIGHT: Rebecca Donabed**

Committee Chair Witherspoon asked SSAN member and self-advocate Rebecca Donabed to provide the Committee with some issues to focus on, which included communication barriers, lack of awareness of disability, and

networking. Following Ms. Donabed's presentation, members discussed the need to focus on expedited re-instatement of benefits. Committee member Nick Wavrin also commented that his Department is trying to push the transition to age 14. He believes education and information should begin in pre-school.

## **7. UPDATE ON 2021 TARGET PRIORITIES**

Deputy Director Tania Morawiec led the Committee through a discussion of the 2021 Target Priorities. Issues discussed were:

- a. Legislative Win SB 639
- b. Build Back Better
- c. The benefits of Workgroups
- d. Fear of losing benefits keeps parents from encouraging kids to get jobs.
- e. Transition starts too late
- f. Career Tech Ed include people with I/DD – Leg idea
- g. Workshop to hear from public
- h. Let Data Drive

## **8. Supported Employment for Young Adults with Autism Grant**

Dr. Marjorie Solomon from the UC Davis School of Medicine led the Committee through a presentation.

## **9. State Legislative Updates and EFC Policy Recommendations**

Deputy Director Bridget Kolakosky led the Committee through an update on the SCDD's legislative work for the year, including the signing of Senate Bill 639. Additionally, the EFC 2020 Report's policy recommendations were discussed.

## **10. 2022 Target Priorities**

Deputy Director Tania Morawiec led the Committee through a discussion of potential 2022 Target Priorities, including expanding the EFC's base and building solidarity with other groups. Additionally, members expressed a need to continue the work that was started in 2019 on updating the Data Dashboard, tracking emerging practices such as IPS, possibly establishing a workgroup to address the service delivery system, and optimizing ways to engage in education and training.

During this discussion, Deputy Director Morawiec stated that she is working with ODEP to create a toolkit to highlight initiatives of provider

transformations and showcase resources and invited Committee members to submit suggestions on what works.

## 11. **2021 EMPLOYMENT FIRST REPORT TIMELINE**

Policy Analyst Matt Traverso led the Committee through a discussion of the timeline for the 2021 EFC Report.

It was moved/seconded (Isaacs/Wavrin) and carried to approve the EFC Report timeline, meeting minutes with amendment to add in public comment from the meeting. (all present voted in favor. See page one for members in attendance.)

The Committee developed a timeline and assigned responsibility to each section. Report responsibility is divided as follows:

### **EFC Report Sections**

- Executive Summary (write once the rest of the report is written) – Sarah
- Impact of COVID on Employment (CIE) – Matt
  - Impact of any federal and state legislation
- Federal Policies Impacting CIE in California – Matt – will provide standard language
  - This section is for a broader landscape that impacts the Committees work. Settings Rule extended to 2023.
  - US Civil Rights Report
- State Policies Impacting CIE in California – Matt
- Data Trends in Competitive Integrated Employment (CIE) - Matt
- State and Local Implementation of Policies for CIE (Blueprint Partners) Internship Programs, Success, Opportunities and Challenges (what internships do you want to highlight)
- Client Success Story (State Internship Program for LEAP, Paid Internship Program, Workability, on the job training opportunities) – All members
- New Legislative Efforts in 2021 – Matt Traverso
- EFC's Activities in 202?– Summaries of workgroup and committee work – Robin Maitino
- Recommendations
- Appendices – Robin Maitino

**12. UPDATE ON CIE BLUEPRINT IMPLEMENTATION**

Blueprint partners Michael Luna, Cindy Chiu and Nick Wavrin provided a verbal update on the implementation activities since the last meeting.

**13. UPDATE ON THE IMPLEMENTATION OF THE DATA SHARING LEGISLATION**

Committee member Michael Luna provided an update on the data sharing legislation.

**14. MEMBER UPDATES**

Committee member Steve Ruder spoke about the DDS-funded ACRE training.

Other members reported on items relating to the Building Back Better workshop. The most recent workshop included presenters from three different employers on the merits of having an inclusive workforce and how to engage employers to attend a two-hour workshop.

Committee member Wilbert Francis reported that the state is writing a plan for Career Technical Education and wanted to make sure people with I/DD are included.

**15. FUTURE MEETING DATES**

The members of the Committee were told that they would be informed of the next meeting date at a later time.

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**February 10, 2022**

**AGENDA ITEM 6.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***Self-Advocate Spotlight: Viri Salgado***

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Committee Chair Wesley Witherspoon has invited a guest speaker Ms. Viri Salgado to share her lived experience as an intern with SCDD.

Ms. Salgado begins her second year of internship with SCDD on February 1<sup>st</sup> as an “Information and Outreach” Intern for the San Diego Imperial office. Ms. Salgado will share her experience, what this opportunity has meant to her, and what her plans are for the future.

***Attachments***

None – may be handouts the day of the meeting.

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February 10, 2022

**AGENDA ITEM 7.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***Introduction to Employment DEAP***

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Regional Manager Mary Ellen Stives will provide an overview of SCDD's Employment Disability Expert Advisory Panel or DEAP. The Employment DEAP is made up of internal staff who specialize in employment. This group monitors and tracks emerging issues, attend various informational trainings such as those sponsored by ODEP, develops curriculum and works collaboratively to build coalition to promote Competitive Integrated Employment.

***Attachments***

None – may be handouts the day of the meeting.

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**February 10, 2022**

**AGENDA ITEM 8.**

**ACTION ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***Update on Target Priorities***

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At this meeting, Chair Wesley Witherspoon and Deputy Director Tania Morawiec will provide members with an update on the targeted priorities listed below, status of the Committee’s workgroups and the implementation progress on SB 639.

Members will then be asked to select 2022 target priorities to work on at each of the remaining 2022 meetings.

**2021 Targeted Priorities**

1. Data
2. Service Delivery System
3. Emerging Practices
4. Education and Training

***Attachments***

None – may be handouts the day of meeting.

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February 10, 2022

**AGENDA ITEM 9.**

**ACTION ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***State Legislative Updates***

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Deputy Director Bridget Kolakosky will begin by providing an update on state legislative issues relating to employment for people with disabilities, which will include the status of Council's bill idea contest and an overview on the Inclusive College Alliance's (ICA) proposal to increase living wages and employment for people with intellectual and developmental disabilities.

***Attachments***

Draft 2021 Bill Contest Report  
ICA Fact Sheet

***Handout(s)***

May be additional handouts the day of the meeting.

# DRAFT 2021 SCDD BILL IDEA CONTEST

A comprehensive list of all submissions

## Abstract

In October 2021, SCDD Launched its first ever “There Should Be a Law” contest. The outcome was nearly 100 bill ideas submitted by parent and self-advocates with the remainder submitted by community members and professionals in the intellectual and developmentally disabled field.

This comprehensive collection of submissions provides valuable insight into the community’s current concerns and their proposed solutions.

This document (as of 1/7/2022) do not necessarily reflect policy positions of the Council.

Bridget Kolakosky, Deputy Director of Policy and Public Affairs  
State Council on Developmental Disabilities

Bridget.kolakosky@scdd.ca.gov

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## 2021 BILL IDEA CONTEST SUBMISSIONS

### Education Bill Ideas

#### 1. SPECIAL EDUCATION LAW FIRMS

\*submitted by expert

Problem: School districts are currently employing expensive law firms to directly engage with and/or intimidate family advocates – using district funds to pay for adversarial actions.

Solution:?

#### 2. IQ TESTS

\*submitted by family member

PROBLEM: Due to the case Larry P. v. Wilson Riles, a California-based judicial decision (1972), there is a prohibition on the use of intelligence tests for African-American students.

BACKGROUND: The issue was centered around biased intelligence testing that led to overrepresentation of minority children in special education classes, particularly students with mild mental retardation. As a result of this 50-year old mandate, African-American children are not able to receive the same standardized intelligence tests as their peers. Parents will never be able to intellectually assess how their children are faring in comparison to other ethnic groups. It is racial segregation, specific to African-Americans.

SOLUTION: Choice is what is missing with this law. Parents of African-American students in the California k-12 system should be able to decide if they prefer the "alternative/equivalent" intelligence tests, or the IQ test(s) EVERY OTHER CHILD WHO IS NOT Black is given (i.e., the Wechsler Intelligence Scale for Children-Revised/WISC-R) to help determine what academic supports and resources are needed for student success.

#### 3. SPECIAL EDUCATION STANDARDS

\*submitted by family member

PROBLEM: Parents of children with disabilities report major issues with oversight, accountability, and parent access to rights and information in the Special Education system.

BACKGROUND: Special education standards are inconsistently executed across the state and vary between counties and districts. This leads to lower or higher quality education for special education students depending on their school. For instance, the same student may be offered inclusive class experiences in one district, but not the

other. As a result, students may lose services when transferring to another district, thus being denied what was determined a free appropriate public education (FAPE) in their previous district.

Of particular concern are immigrant families, who are further disadvantaged due to language barriers and lack of knowledge of the educational system. Interpretation and translation of information is not always available for these parents, creating an additional disparity in the provision of services and supports.

Precedent in the law states that school districts ought to provide all supports and services necessary to mainstream a student and help them bridge the achievement gap with their general education peers. However, special education students seldom leave the segregated classroom setting between kindergarten and post-secondary school.

California is legally required to uphold the federal Individuals with Disabilities Education Act (IDEA) and to do so for all students with disabilities. School/district adherence to Special Education standards need to be monitored on an ongoing basis by those internal as well as external to district administration. The lack of statewide consistency in Special Education points to a failure in oversight and accountability, resulting in education disparities and the denial of equal education as a basic right.

In addition, parents of children with special needs lack access to information, resources, and support when seeking Special Education services for their child. Most school districts do not provide information to parents beyond legal language on their basic rights. Parents often navigate the legal process of obtaining an Individualized Education Plan (IEP) on their own, without understanding the process or realizing resources exist. This lack of information and support prevents parents from fully and equally participating in the IEP process and subsequent IEP meetings. The gap in information creates a power imbalance between the parent and school system, which contributes to communication breakdowns and conflicts, and is a disservice to the IEP process, child, and all parties involved. Parents and districts need better tools to promote positive communication and collaboration. The Special Education system must bear responsibility for ensuring that parents have access to the information, resources, and support needed to equally participate in the IEP process and that the resulting IEP is truly inclusive of parent input.

**SOLUTION:** Parents for Change, a parent advocate group facilitated by Parents Helping Parents in San Jose, CA, proposes state legislation that requires the establishment of a Special Education Oversight Committee and Special Education Ombudsperson for each Special Education Local Plan Area (SELPA).

The purpose of the Special Education Oversight Committee is to monitor and enforce adherence of schools/districts to specified Special Education standards as set by the California Department of Education and derived from the federal IDEA. The committee is made up of representatives both internal and external to the Special Education system. At minimum, the committee includes parents of students with disabilities in the district representing all school levels (elementary, middle, high school), a range of district special education faculty (mild-mod, mod-severe, resource specialist, etc.), the SELPA Director, and a Board of Education Trustee serving that district. SELPAs that include more than one district, such as in Santa Clara County, may establish a greater number of parents, educators, and board representatives to encompass multiple districts. A Special Education Ombudsperson role is also established that serves and reports to this committee.

The role and responsibilities of the Special Education Ombudsperson is to ensure children with special needs receive all services and supports needed to benefit from public education by fostering an environment where collaboration and cooperation exist between parents, staff, and administration.

In addition to serving on the Special Education Oversight Committee, the Special Education Ombudsperson acts as a resource for parents of children with special needs and a liaison between parents and the IEP team or school/district administration. Each district requires at least one ombudsperson, along with additional ombudspersons as per the minimum standards of the Ombudsperson Association.

Some of the main duties of the ombudsperson include: providing plain language information and education to parents regarding Special Education laws, legal rights, the IEP process, and their child's IEP, via individual meetings, orientations, and/or trainings; providing training and professional development to educators and administration regarding the above; serving as a point of contact for parent, educator, and district questions and concerns; acting as a liaison between parent, district, and community organizations; attending or arranging parent support persons to attend IEP meetings; ensuring parents have language access at IEP meetings and receive IEP documents and other official documents in the parent's native/preferred language; investigating concerns and promoting compliance with Special Education laws by monitoring systemic issues and reporting to the Special Education Oversight Committee; all parents of students with IEPs, 504 accommodations, and potential disabilities are provided a basic plain-language guidebook on Special Education and the IEP process, as well as a list of Special Education resources – these resources will include the Special Education Ombudsperson and the regional Parent Training and Information Center.

#### 4. **TEACHER CREDENTIALING**

\*submitted by family member

PROBLEM: Students with disabilities are not getting included in regular education classrooms due to general ed teachers not having the tools to support them and their transition appropriately.

SOLUTION: Establish a class or credential on neurodevelopmental disabilities required for every teacher.

#### 5. **ADVOCACY**

\*submitted by family member

PROBLEM: Quiero aprender más para abogar por mi hijo con más seguridad  
[in English] I want to learn more to advocate for my child with more confidence.

SOLUTION: Aprender, dedicacion, escuchar.

[in English] Learn, dedication, listen.

#### 6. **HIGHER LEARNING DISCLOSURE REQUIREMENTS**

\*submitted by family member

PROBLEM: Disclosure requirements and inclusive language at CSU and community colleges

BACKGROUND: The Disabled Student Programs and Services (DSPS) also known as Special Services, was enacted in 1976 through the passage of AB 77 (Lanterman). This bill funded support services and instructional programs for students with disabilities in the California Community Colleges. Currently the law does not allow students to access DSPS services without verifying their disability, this disclosure requirement functions as a barrier to accessing services, for those students who do not wish to disclose their disability. Perceived discrimination and the desire to protect students' ideal identity (not disabled) is a barrier in getting services.

The People First Respectful Language Modernization Act of 2006 was enacted by the Council of the District of Columbia on July 11, 2006 to require the use of respectful language when referring to people with disabilities in all new and revised District laws, regulations, rules, and publications and all internet publications.

Educational places like community colleges, State colleges, Universities across the country are experiencing diversity. Diversity, equity, and inclusion (DE&I) is a broad and

shifting landscape, and it is currently undergoing another much-needed evolution. With the rising importance of neurodiversity in DE&I initiatives, people are starting to recognize the existence of hidden disabilities.

SOLUTION: In keeping with the changing landscape related to neurodiversity, equity and inclusion, I propose the following in the form of law:

- A statewide study to understand if the current practices in both community colleges as well as State colleges are meeting the needs of the growing neurodiverse community.
- Study to determine if non-disclosure would promote increased enrollment of students to colleges. Will non-disclosure encourage students to take up additional supports and services? The current law requires them to disclose their disability to access supports. Is this a deterrent for students to access supports?
- Change the name of the program, Disabled Student Program and Services to a name that promotes neurodiversity, equity and inclusion. The name DSPS with the stress on individuals with disabilities is redundant and offensive. We have to keep in mind, that the name should reflect the best practices to promote inclusion. We are not coming up with a safe place for the students in the college campus, but rather making the entire campus a safe place for all students. Some suggestions are:
  - Supports and Services for Student Excellence (SSSE)
  - Student Support Services (SSS)
  - Student Excellence Program (SEP)
  - Student Accessibility Services (SAS)
  - Accessible Campus Community and Equitable Student Support (ACCESS)

## **7. SPECIAL EDUCATION SERVICES**

\*submitted by family member

PROBLEM: Principalmente que nos den la atención que requieren nuestros hijos para su defensa de educación y servicios ya que los abogados son pocos y seleccionan los casos y no dan mucha importancia a la mayor.

[in English] Mainly for you to give us the attention that our children require for the advocacy of their education and services since the lawyers are few and select the cases and do not give much importance to the majority

SOLUTION: Que se modifique las leyes en educación especial y que se capaciten al personal ya que casi nunca entienden las necesidades y servicios que necesitan nuestros hijos y siempre quieren quitar servicios en vez de mejorarlos.

[in English] That the laws on special education be modified and that the staff be trained more since they almost never understand the needs and services that our children need, and they always want to remove services instead of improving them.

## 8. DISABILITY SERVICES

\*submitted by family member

PROBLEM: El Distrito Unificado de Oakland. No ofrece los servicios adecuados. Para los estudiantes con discapacidad.

[in English] Oakland Unified District. It does not offer adequate services. For students with disabilities

SOLUTION: He pedido asesoramiento legal.

[in English] I have asked for legal advice.

## 9. GENERAL CLASSROOM INCLUSION

\*submitted by family member

PROBLEM: An existing belief that children with disabilities are best educated separately from their neurotypical peers.

BACKGROUND: "When inclusive [practice] is fully embraced, we abandon the idea that children have to become 'normal' in order to contribute to the world. Instead, we search for and nourish the gifts that are inherent in all people. We begin to look beyond typical ways of becoming valued members of the community, and in doing so, begin to realize the achievable goal of providing all children with an authentic sense of belonging." --

Norman Kunc (1992) broadreachtraining.com

There are better outcomes for employment and independence for adults when they have had opportunities of inclusion from the beginning. Special day class preschools should not exist, or only very rarely. The opportunities given to children at a young age- when they are all learning to be in the world will greatly influence their opportunities as adults.

SOLUTION: A system wide change that supports inclusive education as the norm beginning with preschool. Teacher training in Universal Design ideas.

## 10. HIGHER LEARNING OPPORTUNITIES FOR PEOPLE WITH DISABILITIES

\*submitted by family member

PROBLEM: Currently most of the programs offered for young adults with intellectual and developmental disabilities in California are located in communities of great wealth and many have requirements that individuals attending these programs be a recipient of regional center services within their catchment area or be under a certain age.

BACKGROUND: Thinkcollege.net provides a list of college programs nationwide providing specialized educational programs, what they offer, as well as research being conducted on this population. Some of the research, like that coming out of the program offered at the University of Iowa, indicates that of the young adults that graduate from

these programs - 80% are employed vs. 20% that are not. Additionally, these programs increase independent living opportunities. There is a program at Taft Community College which has been in operation since 1995 and was initially funded by the Kern Regional Center. Its data also indicates their graduates are more likely to be employed. Finally, UC Davis recently started a new program with Federal grant monies, but it limits attendees to individuals under the age of 24.

SOLUTION: Increase higher educational opportunities and labor skill-based training for people with intellectual delays. Provide increased funding to community college programs located in less economically advantaged communities such as Riverside County, San Bernardino County, and Inyo County. Ensure individuals of any age can take part in these programs.

## **11. SERVICES FOR STUDENTS WITH DISABILITIES**

\*submitted by family member

PROBLEM: Families are moving to different states to receive better services and benefits. The services we receive for our children with disabilities in schools need to be improved in this state.

SOLUTION: Special Education requirements need to have equilateral mandates nationwide and not statewide. If services for special needs and disabled children were unilaterally equal nationwide, individuals would not feel compelled to move to a state with better services.

## **12. PARENT INFORMATION SYSTEM OF SUPPORT**

\*submitted by family member

PROBLEM: Misinformation is a big issue for parents who are trying to attain answers regarding their child's education. Parents are not provided enough information about their child's education.

SOLUTION: Create a system of support at every school district where parents can get questions. Each system of support should include a direct contact for parents where they can get their questions answered.

## **13. SERVICE OPTIONS FOR STUDENTS WITH DISABILITIES**

\*submitted by family member

PROBLEM: There is a lack of collaboration and transparency for the benefit of students with disabilities. Currently, when students have educational needs, the local educational agencies do not always offer all of the evidence-based tools and resources they have at

their disposal. Instead, the local educational agency expects parents to know what the child needs.

SOLUTION: A program should be created to build evidence-based options and ensure all schools are able to offer multiple evidenced-based options to students with individualized educational programs. Additionally, create statute that says school staff must discuss the service options available at the school and which services are appropriate for the student's educational benefit.

#### **14. SPECIAL EDUCATION INSTRUCTIONAL AID TRAINING**

\*submitted by family member

PROBLEM: There is a lack of trained, licensed, and/or certificated support personnel and staff in special education classrooms.

BACKGROUND: Currently, there are no requirements for the need for Instructional Aids to have any type of licensure or certification. These are the same aids that are often in charge of supporting goals written in the IEPs. Additionally, the responsibilities of a special education aid can include changing, feeding, and assisting students while using the bathroom. This can be dangerous if support staff has not been trained on things like feeding tubes, wheelchairs, etc.

SOLUTION: Increase the minimum requirements necessary for an individual to become an instructional aid for students with disabilities.

#### **15. CHARTER SCHOOL CO-LOCATION**

\*submitted by family member

PROBLEM: Under Proposition 39 charter schools are allowed to co-locate on public school campuses and use classrooms deemed unenrolled. This means that classrooms used for services that include speech therapy, physical therapy and occupational therapy that do not have official rosters are lost to the co-locating school. This has left students with disabilities who require special education and related services without a space dedicated to their needs.

BACKGROUND: Shirley Avenue Elementary school in the San Fernando Valley recently lost space used for special education services to a co-locating school.

SOLUTION: Create legislation that protects classrooms and other spaces used for special education purposes from co-locating schools. The legislation could say that all rooms used for individualized educational program compliance is be protected under the

Individuals with disabilities Education Act and the Free Appropriate Public Education statute are protected from Proposition 39.

#### **16. COMMUNITY COLLEGE PROGRAMS**

\*submitted by self-advocate

PROBLEM: There is a lack of education, employment and community resources in the community.

SOLUTION: Create programs at every community college based on the North Orange County Continuing Education program for adults with intellectual and developmental disabilities and require that 50% of the administration and staff have disabilities.

#### **17. GENERAL CLASSROOM INCLUSION RATE**

\*submitted by other individual

PROBLEM: Students with intellectual and developmental disabilities in public schools are not included in the general education classroom at a high enough rate.

SOLUTION: Ensure that more students with intellectual and developmental disabilities are included in the general education classroom.

#### **18. IEP TRANSLATION**

\*submitted by other individual

PROBLEM: Those who don't speak English cannot access Individualized Education Programs.

SOLUTION: Require LEAs to translate Individualized Education Programs within 30 days of the IEP meetings being concluded.

#### **19. OFFICE OF ADMINISTRATIVE HEARING EXPERT WITNESSES**

\*submitted by other individual

PROBLEM: Expert witness fees are not recoverable by families even if they win their due process appeal against Local Educational Agencies.

BACKGROUND: In the past, the law permitted families to be reimbursed expert witness fees if they won their due process case.

SOLUTION: Reinstitute the requirement that Local Educational Agencies reimburse the cost of expert witness fees if a family wins their due process case.

## Employment Bill Ideas

### 1. RETIREMENT ACCOUNTS FOR INDIVIDUALS WITH DISABILITIES

\*submitted by family member

PROBLEM: Balances in 401K count against the \$2000 max resource limit to receive Supplemental Support Income for an individual and \$3000 per couple.

BACKGROUND: When employer contributes to employees 401K - it is usually conditional on employee contribution (e.g. 50c for every \$1 contributed by employee to a maximum of \$1000/yr. etc.) This combination makes a person with a disability getting Supplemental Support Income and trying to get work experience ineligible for Supplemental Support Income. Since a 401K cannot be withdrawn before age 60 or so the problem does not go away but only gets worse month to month to avoid this, a Supplemental Support Income receiving employee must request to not participate in the 401K, which results in the employee foregoing the 401K matching from employer and is also not able to save for retirement. Loss of Supplemental Support Income can also mean loss of Medi-Cal/Medicaid which is a severe loss for a client with a disability.

SOLUTION: The ABLE account and the Cal-ABLE account have been established by law for the disabled to save for retirement and Qualified Disability Expenses. Withdrawals can be made any time for qualified reasons the balance does not count as a resource for Supplemental Support Income. The account grows tax free. Mandate that all employers (or employers exceeding a certain size - e.g., 100 employees) who offer 401K matching must offer the match to employees with disabilities who have ABLE accounts and deposit the money into the ABLE account as a match of their contributions to the ABLE account.

### 2. JOB DEVELOPER COORDINATION

\*submitted by family member

PROBLEM: There is a lack of coordination between job developers for individuals with disability, which means that individuals with disabilities may work in a silo and not be connected with the right job developer for their skill set.

SOLUTION: Change the current job developer compensation program so that job developers split the compensation of placing an individual with disabilities in a job, like in real estate where there is a selling agent and a buying agent. This adjustment will provide incentive for job developers to work together to place individuals with disabilities correctly.

### 3. DISABILITY AWARENESS TRAINING

\*submitted by self-advocate

PROBLEM: There is a lack of training focused on ensuring individuals with disabilities can be included in the workplace.

SOLUTION: Have a disability awareness/acceptance and perception training module for all employees to learn about the fact that people of all abilities have the right to work and how to make people of all abilities feel included.

**4. STATEWIDE INTERNSHIP PROGRAM EXPANSION**

\*submitted by self-advocate

PROBLEM: People with developmental disabilities over transition age are underemployed.

SOLUTION: Expand the age limit for the statewide internship program.

**5. HIRING DISCRIMINATION**

\*submitted by self-advocate

PROBLEM: Employers discriminate against potential candidates because the applicant has a verifiable disability.

SOLUTION: Ensure employers are not able to discriminate against an applicant due to the fact the potential candidate has a verifiable disability.

**6. LEAP EXPANSION**

\*submitted by other individual

PROBLEM: The lack of individuals with disabilities being employed by the state through the Limited Examination and Appointment Program and the lack of awareness and understanding of the program within the state departments.

SOLUTION: Use CalHR along with the departments identified in the Assembly Bill 313 report to boost awareness of the Limited Examination and Appointment Program in different ways, also increase education of managers and others in positions to hire people with disabilities about the program.

## Health Bill Ideas

**1. EMERGENCY MENTAL HEALTH CARE**

\*submitted by expert

PROBLEM: Most behavioral health departments discharge patients without treatment if the individual has a developmental disability because hospitals state they are unable to provide treatment.

BACKGROUND: these departments are not able to provide long term or ongoing treatments like counseling, yet they should have an obligation to medically treat an emergency. Examples include a chemical imbalance; high toxicity levels, high lithium, risperidone levels, etc. At times, they don't even complete simple lab tests.

**SOLUTION:** Emergency mental health care should be available for individuals that require emergency support via 5150/5250 holds. Absent without official leave, 5150, 5250 holds can be successful if appropriate care is provided to individuals with intellectual disabilities.

## **2. SECONDARY HEALTHCARE DISPARITIES**

\*submitted by family member

**Problem:** there are disparities in access to secondary healthcare services.

**Solution:** increase access to ABA therapy, Speech and Language pathologist and outpatient Occupational Therapy. Require businesses to have a certain percentage of their clients be children and adults with ID/DD. Example: 100 clients at an ABA center. 15% of those kids would be with I/DD, which can help with long term outcomes in our community.

## **3. TAX FOR MEDI-CAL EXPANSION**

\*submitted by self-advocate

**PROBLEM:** Med-Cal and regional center programs added in the state's 2021-22 budget will not be sustainable over time due to a lack of funding.

**SOLUTION:** The state should levy a permanent tax on all managed care plans and use any available funds from Prop 56 to pay for Medi-Cal managed care plan services.

## **4. MANDATORY DENTAL COVERAGE**

\*submitted by self-advocate

**PROBLEM:** There is a lack of dental coverage for people with disabilities.

**SOLUTION:** Add dental services under the basic Medi-Cal coverage program.

## **5. MEDI-CAL MANAGED CARE EXPANSION**

\*submitted by self-advocate

**PROBLEM:** The state's general fund cannot fund the investments for ongoing purposes included in the 2021-22 state budget. Additionally, elderly individuals and individuals with disabilities eligible for Medicare are forced to enroll in a Medi-Cal managed care plan.

**SOLUTION:** Levy a tax on medical managed-care organizations and commercial insurance companies to ensure Medi-Cal expenses can continue to be covered. Additionally, make Medi-Cal managed care plans include services such as counseling and cognitive behavioral therapy, all non-cosmetic dental procedures, podiatric services, and low vision aids. Lastly, do not make individuals eligible for Medicare enroll in a Medi-Cal managed care plan.

## **6. REGULAR PSYCHIATRIC EVALUATIONS**

\*submitted by other individual

PROBLEM: Individuals diagnosed with mental illness; Schizophrenia Depression and Bi-polar have mental challenges that can go unaddressed.

SOLUTION: Mandate that every single person with mental disability has the option to have a psychiatric evaluation and counseling at a regular interval to ensure the proper treatment is being administered.

## **7. NEW AND EXPECTING PARENT EDUCATION**

\*submitted by other individual

PROBLEM: All children, whether neurodiverse, neurotypical, having a developmental disability or not, should be born to parents who know the importance of engaging their babies and how it supports their development. Parents should know that this helps their babies' brains develop, helps their babies' feel safe and secure, and is a real investment in their child's future.

SOLUTION: Mandate that hospitals need to provide new parents with pre-birthing classes about social emotional development and parenting, covered by medical insurance and Medicare, and that parents are able to leave their jobs to participate. Doctors should be informed and be required to refer new parents/patients to these programs.

## **Housing Bill Ideas**

### **1. AFFORDABLE HOUSING**

\*submitted by expert

Problem: Landlords are now required to accept section 8 vouchers; however, some discovered a workaround by requiring a deposit that is 3-4 times the rent.

Solution:

- Lower the rental qualifications
- Establish a maximum deposit that landlords can require
- Increase the value of the vouchers (local, state and federal) to accommodate the regional cost of housing
- Licensed payee service providers should be exempt from the excessive deposit requirement landlords are asking for.

### **2. FINANCIAL HOUSING SUPPORT**

\*submitted by family member

Problem: An individual with an intellectual or developmental disability with a guardian who also has a disability.

Solution: Establish automatic, permanent financial housing support for families who have both an individual and guardian/parent who have been diagnosed with a developmental disability, an intellectual disability, or a psychiatric condition.

### **3. LACK OF AVAILABLE HOUSING**

\*submitted by family member

PROBLEM: Housing.

SOLUTION: Add both incentive and penalties to the requirement that cities provide very, very low-cost housing to accommodate those with developmental disabilities on Supplemental Support Income and Social Security Disability Insurance.

### **4. LACK OF AVAILABLE HOUSING**

\*submitted by family member

PROBLEM: The lack of life long, affordable housing for people living with intellectual and developmental disabilities.

BACKGROUND: Families have shown they are willing to come together to share both financial and other resources in order to increase the housing stock for our population. However, most families cannot afford to privately fund a lifetime housing option, and very few publicly funded units are developed annually, leaving a huge need that far outstrips supply.

SOLUTION: Remove the disincentives that exist currently for families who could invest limited private/personal capital to create affordable housing for people with intellectual and developmental disabilities in California. By reducing or eliminating property taxes on privately developed housing projects, California special needs families could be incentivized to collaborate in housing development, reducing their short- and longer-term costs and ensuring more people are able to participate. Also, similar to the state's recent efforts to incentivize construction of Accessory Dwelling Units by streamlining zoning and permitting requirements, streamlining permits for collaborative housing projects could be done for single or multi-family use dwellings targeting people living with intellectual and developmental disabilities as well.

### **5. GOVERNMENT: TRANSFER OF PROPERTY TAX BASIS**

\*submitted by family member

PROBLEM: Current Property Tax Law, Proposition 19, does not allow for the transfer of the primary property's tax basis, upon death, to a Special Needs Trust, which has a

separate employer identification number. For example, a parent of an adult with a developmental disability, a child who has lived his/her entire life at their home, cannot receive the transfer of the current property tax basis, upon death of the parent, if he/she depends on a Special Needs Trust.

**BACKGROUND:** A large number of individuals with developmental disabilities in California have Special Needs Trusts set up on their behalf for oversight and to ensure that they don't lose needed benefits and support to maintain some quality of life. Proposition 19 was promoted as a law to benefit the disabled population. However, it actually leaves out many of our most vulnerable citizens with disabilities that depend on Special Needs Trusts. This gap in the law which can result in property taxes rising significantly may force many individuals with developmental disabilities from their homes, homes which provide comfort, familiarity and may be set up to accommodate involvement and limitations.

**SOLUTION:** Create a law that allows for transferring the current property tax basis of a family private home to a Special Needs Trust that benefits an individual with a disability upon death of a family member and allows a Special Needs Trust to transfer the property tax basis when moving to another property that individual with a disability will occupy.

## **6. LACK OF AVAILABLE HOUSING**

\*submitted by self-advocate

**PROBLEM:** There is a lack of available housing for people with disabilities.

**SOLUTION:** Create housing opportunities specifically for people with disabilities.

## **7. HOUSING OPPORTUNITIES FOR PEOPLE WITH DISABILITIES**

\*submitted by self-advocate

**PROBLEM:** There is a lack of accessible housing for people with disabilities who are employed but make too much money to qualify for housing vouchers.

**SOLUTION:** Create housing programs for people with disabilities that do not qualify for housing vouchers due to the fact they make too much money.

## **8. LACK OF HOUSING AND THE SELF-DETERMINATION PROGRAM**

\*submitted by self-advocate

**PROBLEM:** There is a lack of affordable housing for people with physical disabilities, and the Self-Determination Program limits individuals to the thinking that they cannot live without parental supervision.

SOLUTION: Create a housing program for people with disabilities who can live alone with the appropriate support and ensure the Self-Determination Program does not stereotype and will individualize services for each client.

## **9. LIMITED HOUSING**

\*submitted by other individual

PROBLEM: there are limited resources for homeownership for families with a member with I/DD.

SOLUTION: Special financing and access to homeownership for families with a member with ID/DD. Empower families to have the ability to provide a safe haven and protection for family members by providing the opportunity to own their own home.

## **Human Services Bill Ideas**

### **1. REGIONAL CENTERS: VENDOR PROGRAM PRICING**

\*submitted by expert

Problem: set cost of attendance is 1) not flexible; 2) not waivable; and 3) lacks equity in pricing

Background: a non-profit providing a Spanish speaking program discussing Autism is over \$100, they serve low-income, immigrant families with developmental disabilities. A similar English version by a different vendor is more affordable.

Solution: support those who need it most by making the prices more equitable. Do not personally charge families for educational workshops that non-profits provide. The organizations that serve these communities should have prices that reflect community needs without sinking the organization's staffing system.

### **2. REGIONAL CENTERS: DDS EARLY START BILLING**

\*submitted by expert

Problem: Department of Developmental Services' Early Start system pays for the hours/days of services provided (attendance), instead of the amount of hours contracted for on Regional Center purchase of services (POS). This is an operational billing/payment flaw. This practice harms the fiscal health of Early Start Providers by only allowing for reimbursement when a family actually shows up. It does not factor in that a provider has planned and staffed a slot for a child regardless of whether the child is in attendance or not. Additionally, hours indicated in the POS and on the IFSP are not flexible and do not "roll over" from month to month. This makes it impossible for a Provider to "catch up" by providing these "lost" hours of service and the determined IFSP hours remain unfilled.

Background: The amount of hours in a POS are based on the level of child's need as determined by the Individual Family Service Plan. Early Intervention providers cannot predict the actual hours that a child will be in attendance, and therefore cannot predict the reimbursement that will be generated for developmental or therapeutic services. These providers often experience fiscal difficulties when actual reimbursements are below the "value" of the POS, while fixed costs and personnel costs remain for the provider. The fiscal challenges and uncertainty faced by Providers in the current system result in inconsistent services for families, delays in timely services and inconsistent application of best practices in early intervention. Changes in California employment laws compel Providers to pay home visitors or therapists— regardless of whether they generate billable hours by seeing the client. Paperwork requirements and other miscellaneous parts of the service model are wrapped into the attendance reimbursement rate. But if attendance is low, reimbursement is low, yet all the other pieces of services are still required to be met. In the private sector, payment for a slot is paid in full regardless of usage. In the medical system there are typically payments for last minute cancellations or "no shows." This is not true for Early Start providers, causing a parity issue.

SOLUTION: Adjustments need to be made to the DDS reimbursement system – allowing providers to be reimbursed based on a family's maximum POS hours (enrollment) and not based on attendance. Alternatively, Providers need a mechanism for billing last minute cancellations and "no shows."

### **3. SUPPORT SERVICES: WORKFORCE STAFFING ISSUES**

\*submitted by expert

Problem: quality services cannot be provided without a skilled and committed workforce.

BACKGROUND: We can talk about outcomes all day long but it always comes down to the skills and integrity of the person providing the supports and services. With a focus on person centered services and supporting individuals with I/DD to lead meaningful and productive lives, more than ever, we need a workforce that is smart, skilled, educated, and committed.

When I first entered the field, most agencies required college degrees but as time has passed and as most agencies can't afford to pay much more than minimum wage, organizations are happy to hire people who basically just show up. The people we support deserve better. When they are in K-12, they work with a professionally educated workforce so why does this suddenly end at 18 or 22? Their disabilities don't disappear, and their challenges are lifelong. We need to come up with creative solutions to enhance our workforce.

SOLUTION: Reduce student college loans if they work for an organization that serves people with I/DD for at least two years. Further reduction of their loans could be granted

if they stay at the organization beyond the two-year period. Perhaps in CA, this could be for any student who attends a UC or Cal State institution.

**4. REGIONAL CENTERS: SERVING THOSE WITH COMPLEX NEEDS**

\*submitted by expert

PROBLEM: we are seeing a growing population of adults who are rejected from Regional Center vendorized programs due to their high needs; their complex behaviors cannot be addressed safely in existing adult "behavior management" day programs.

BACKGROUND: at the age of 22, after the individuals transition from school programs, they have no access to adult services. They are often isolated to the home environment or, in some cases, the behavior escalates, and the individual then requires residential treatment or hospitalization. This is a growing crisis that is not getting enough visibility. Like the concept of Enhanced Behavior Support Homes (EBSH) that serve individuals whose needs exceed the minimum requirements of level 4i facilities, there is a need for developing Enhanced Adult Behavior Day Programs designed to serve clients whose needs exceed the resources available at existing adult behavior management day programs.

SOLUTION: Require a new type of service for adults with intellectual and developmental disabilities who have intensive behavioral needs. There needs to be a service code that specifically applies to this type of support with appropriate rates to match the levels of support these individuals require.

**5. LANTERMAN ACT FAMILY COST PARTICIPATION AND PARENTAL FEE PROGRAMS**

\*submitted by expert

PROBLEM: The Lanterman Act's Family Cost Participation Program and Parental Fee Programs (implemented in 2005) create real barriers for families.

SOLUTION: Repeal the Family Cost Participation and the Parental Fee programs, this would restore the Lanterman Act's full protections and rights for families.

**6. CONSERVATORSHIP ALTERNATIVES**

\*submitted by expert

PROBLEM: Many developmentally disabled children age into adult care without a legal decision maker for health, education, SSI, etc. Conservatorship is expensive, complicated, and there are few resources to support families, particularly if the parents are undocumented. It leaves a lot of individuals in limbo and causes delays and barriers to care and getting needs met.

**SOLUTION:** A law that would establish a process for individuals that need a legal decision maker to evaluate a family member or other available caregivers. The California Hospital Association has guidance for a similar policy for hospitals that has stood up in court. Also, codify the conservatorship alternatives that are being promoted by advocates.

## **7. REGIONAL CENTERS: CHILDCARE**

\*submitted by expert

**PROBLEM:** Childcare is not readily available to families with children with developmental disabilities.

**SOLUTION:** Regional Centers should pay the full cost of a 1:1 aide in preschool, afterschool, and day camps as needed by the family from birth until age 23 to enable organizations to provide the support a family needs for full inclusion. Regional Centers should also actively work with providers to develop after school and day camp programs for teens and young adults and pay the full cost of those programs including transportation from middle school, high school, and continuing education to these programs during the school year so that older students with developmental disabilities have care opportunities.

## **8. REGIONAL CENTERS: CENTRAL LIST OF AVAILABLE SERVICES, FEES AND AGE RANGE**

\*submitted by expert

**PROBLEM:** There is no central location to research services available to regional center clients nor the cost of those services. Many individuals with I/DD do not know they have access to.

**BACKGROUND:** Agencies, ranging from LEA's to regional centers, do not state what services are offered or what they might qualify for. They also do not know the age ranges served by different agencies. The system is based upon guesswork and the luck of knowing someone who is well informed, or worse, having to pay out of pocket for an attorney and/or an advocate.

**SOLUTION:** Require all agencies that work that contract with public support providers (e.g., LEAs, Regional Center, DOR, etc.) to publish all services they offer with public paid costs and qualifications so that service availability is clear and so people know how to go about qualifying for those services]. At a school, this would look like a menu presented to a family about a continuum of placements, including NPSs / NPAs, as well as the DIS services. You can't ask about what you don't know!

## **9. RECREATION AND THERAPIES**

\*submitted by expert

**PROBLEM:** there are no financial supports for access to therapies and recreational activities that parents believe will support their child's health, emotionally and physically. Examples include: swimming, horseback riding, camping, karate, etc.

**SOLUTION:** providing the funding and permitting the family to make the correct decisions as to how and with whom they enroll their child.

## **10. GROUP HOME STAFFING**

\*submitted by community member

**PROBLEM:** I love bike riding and my advocate won't let me ride because she thinks I would not be able to keep up with the group which I think I would. She won't let me try because she doesn't think I can ride 10-12 miles per hour which I think I can.

**BACKGROUND:** I might be able to attend a bike ride, but it depends on if there is enough staff available. If not, then I cannot go which makes me mad. It feels like my voice is not being heard. This bike ride is part of an XXX Bike Campaign which is a group that you can join where you can ride your bike all the time and feel good about it. I live at a group home. It is an ok place to live, but my advocate is really strict, and I don't think she thinks that I can do anything which I don't like at all. In Closing, I wish my home had more staff to support residents like me and maybe other residents to go out in the community 1 on 1 and do what we want.

**SOLUTION:** Require more staff at group homes to support the residents and provide more opportunities.

## **11. IN-HOME SUPPORT SERVICE NURSING**

\*submitted by family member

**PROBLEM:** Home Health Care Service needs more Licensed Vocational Nurses (LVN) to take care of patients.

**SOLUTION:**

-Allow a Certified Nursing Assistant (CNA) and In-Home Support Service (IHSS) care workers to be trained to do medical care such as suctioning, G-tube feeding, and administering medicines.

-The CNAs and IHSS care workers who can do medical care can be paid higher wages. (but not the level of LVN)

-A Home health agent will provide the training and assign them to work with the patients.

-Patients are allowed to use some percentage of their authorized hours for trained CNA or IHSS workers. For example, if the patient is authorized 580 hours of LVN services per month, he/she can use 10%-20% (58-116hours/month) of authorized hours for trained CNA or IHSS care workers.

-Nursing managing agent will assess the patient to determine if the patient qualifies for this kind of service. The patient has to be no ventilator dependent, stable and in relatively easy conditions.

## **12. REGIONAL CENTERS: ABA/RESPIRE CARE PROVIDERS**

\*submitted by family member

PROBLEM: Minimum qualifications for in-home ABA or respite care providers under Regional Center contract.

BACKGROUND: Regional Center of the East Bay only vendorizes ONE company to provide supervisory services (aka; babysitting) for those clients with intense behaviors. The one company contracted, Maxim Healthcare Services, does NOT require experience working with people with intense behaviors including SIB and/or aggression with people or property. Furthermore, they do NOT mandate training or provide training at the most minimal level to assist their staff.

SOLUTION: Require 40 hours of training for RBT certification. Staff should also have to participate in ongoing training to further provide learning opportunities and experiences that might include role-playing so that they may better understand their client's needs as well as their own potential responses.

## **13. REGIONAL CENTERS: DUE PROCESS INEQUITY**

\*submitted by family member

PROBLEM: Inequity in Regional Center Due Process: In Office of Administrative Hearings (OAH) special education due process hearings with Local Education Agencies (LEA's), legal fees are reimbursed if students/parents prevail in hearings. However, legal fees are not reimbursed to prevailing clients/families in OAH Regional Center hearings. This creates disparity and financial hardship and prohibits many from accessing their due process rights, thus creating barriers and limiting access to necessary services and supports.

SOLUTION: create parity with OAH special education cases by requiring reimbursement of legal fees to clients/families through Regional Centers when clients/families prevail in Regional Center OAH due process hearings. This reimbursement could be accomplished through the POS process.

#### **14. SUPPLEMENTAL SUPPORT INCOME BENEFITS LIMIT**

\*submitted by family member

PROBLEM: The \$2000.00 limit on personal assets for those that receive Supplemental Support Income benefits is too low.

SOLUTION: Raise the limit.

#### **15. REGIONAL CENTERS: APPOINTMENT OF REGIONAL CENTERS AS CONSERVATORS**

\*submitted by family member

PROBLEM: It is a conflict of interest for regional centers to be appointed as conservators of consumers. This puts regional centers in the position of legally not providing any services to the consumer. There is no system of checks and balances in this situation and the potential for abuse and negligence is too great.

SOLUTION: Train the public guardian on how to act as conservator of adults with developmental disabilities and appoint this individual as such when there is no other family member to do this.

#### **16. REGIONAL CENTERS: CONSUMER ADVOCATE SHORTAGE**

\*submitted by family member

PROBLEM: There is a shortage of consumer advocates to assist consumers and family members of consumers in advocating for services from regional centers.

BACKGROUND: Prior to the restructure a few years ago, area board directors were able to advocate for individual consumers in person; since area boards were changed to regional advisory committees, directors are no longer able to advocate for consumers.

SOLUTION: Make consumer advocates available to assist consumers and family members in getting services from regional centers and educating them on their rights.

#### **17. REGIONAL CENTERS: FAIR HEARING PROCESS**

\*submitted by family member

PROBLEM: Consumer disagreements with regional centers regarding quality and availability of services and accessing services.

BACKGROUND: Regional centers have lawyers that represent them in fair hearings, and consumers are at an extreme disadvantage and the playing field is not level.

SOLUTION: Adding an attorney fee provision to the contracts the Department of Developmental Services has with regional centers or adding an attorney fee provision to the Lanterman Act. This would allow consumers access to legal counsel to assist them in getting services that a regional center denies.

## **18. REGIONAL CENTERS: ACCOUNTABILITY AND TRANSPARENCY**

\*submitted by family member

PROBLEM: -Threats of retaliation/expulsion by service providers against parents who seek quality services for their children/regional center consumers.

-Accountability of service providers as measured against the service plans, they submit to regional centers

-Lack of notice of and accessibility to regional center board meetings and other meetings.

SOLUTION: -Enact an amendment to the Lanterman Act to ban retaliation against parents/consumers as punishment for parental advocacy.

-Enact an amendment to the Lanterman Act to eliminate confidentiality of service plans provided to a regional center by service providers.

-Enact an amendment to the Lanterman Act to make regional center board meetings and other meetings subject to the Brown Act.

## **19. REGIONAL CENTERS: LIFE SUPPORT PLANNING**

\*submitted by family member

PROBLEM: Many parents and other caregivers of regional center clients are aging out of their oversight and problem-solving roles.

BACKGROUND: Although clients and family care providers such as aging parents know they need to plan, many experience sadness and fear when it comes to planning.

Future planning is much more than just financial or legal planning. Without someone noticing changes and coordinating across boundaries, the quality of life inevitably deteriorates for many Regional Center clients who do not have natural advocates, i.e., problem-solvers in their lives.

SOLUTION: Include life support planning as a mandatory Regional Center service for clients. Everyone being served by the Regional Center would get a Life Support Ally to work directly with the aging care provider(s) to develop the plan for their loved one and to serve as the advocate and overseer for the person with a disability when the surviving care provider dies or is unable to fulfill the role. This could be modeled off of the current provision in the Lanterman Act section 4541(a)(1) that allows the State Council to appoint an authorized representative for an RC consumer.

## **20. REGIONAL CENTERS: OVERSIGHT AND ACCOUNTABILITY**

\*submitted by family member

PROBLEM: There is a lack of accountability and transparency from regional centers.

SOLUTION: Resubmit and pass Assembly Bill 812 (Frazier), on the topic of having the California Health and Human Services Agency convene a working group to examine topics related to oversight and accountability of the developmental services system, from the 2019-20 legislative session.

## **21. REGIONAL CENTERS: HOME AND COMMUNITY CARE STAFFING ISSUES**

\*submitted by family member

PROBLEM: Neither regional centers nor IHSS provide sufficiently trained staff for their clients who cannot function independently at home nor in the community.

BACKGROUND: Home and Community Care Staffing are among the most difficult issues for families of adult children with severe autism and other disabilities. Clients of regional centers require specialized and individualized assistance in order to be able to access their community successfully and partake in recreational and/or vocational activities. Without individualized direct support, clients are usually isolated in homes with minimal engagement and a very bleak life. Most group day programs are not Person Centered in nature and not appropriate for individual needs. One size does not fit all, and adult day programs do not have the ratios of staff to clients that are required for success. Most often heavy sedation is used to manage these individuals.

SOLUTION: A mandate on regional centers to contract with applied behavioral analysis behavioral agencies to employ and train 1:1 support staff for clients with severe disabilities. Create incentives to direct care staff such as a housing stipend that would be adjusted to the cost of rents in their service area.

## **22. INSURANCE FOR SERVICE FEES**

\*submitted by family member

PROBLEM: People with disabilities having to use all their benefits, including their trust funds for services such as attorney consulting fees, certified public accountant fees, moving fees, fiduciary fees, aid fees and other fees that could be covered by an insurance plan.

SOLUTION: Creating an insurance plan which a family member(s) or other pay into like life insurance to cover any miscellaneous fees a person with a disability may incur over

the remainder of their lifetime which would not be managed for free after the death of the family member who cared for them.

### **23. REGIONAL CENTERS: EDUCATION OF AVAILABLE SERVICES**

\*submitted by family member

PROBLEM: Many people in low income, underserved communities are unaware that they can apply for services from their local regional center if their child just got diagnosed with a qualifying disability.

SOLUTION: Create a program where a family living in an underserved community on Medi-Cal has a child that receives a qualifying disability diagnosis must be provided information on how to apply for services from their local regional center during the medical appointment when the child is initially diagnosed.

### **24. SUPPLEMENTAL SUPPORT INCOME (SSI) AND SOCIAL SECURITY DISABILITY INSURANCE INCOME (SSDI) THRESHOLD**

\*submitted by family member

PROBLEM: Receipt of SSI/SSDI is contingent on ensuring an individual's income level remains lower than a specified threshold. This threshold is significantly lower than the poverty level, and the fear of losing these critical benefits can be a disincentive for finding employment. Additionally, programs like the Paid Internship Program will count towards this threshold when the individual is not officially employed.

SOLUTION: Raise the threshold regarding SSI/SSDI to, at least, the poverty level and do not count government programs such as the Paid Internship Program or Department of Rehabilitation's On-the-Job Training toward the threshold.

### **25. TELETYPEWRITER/TELECOMMUNICATIONS DEVICE FOR THE DEAF (TTY/TDD) SYSTEM IMPROVEMENT**

\*submitted by self-advocate

PROBLEM: There is a lack of understanding on how to use TTY/TDD and the TTY/TDD system does not work very well and is not user friendly.

SOLUTION: Make TTY/TDD training available to the public and improve the TTY/TDD system.

### **26. IN-HOME SUPPORT SERVICES AND MEDI-CAL REASSESSMENTS**

\*submitted by self-advocate

PROBLEM: Individuals with permanent disabilities, such as cerebral palsy or muscular dystrophy, are required to have yearly even though their disability does not change.

SOLUTION: Allow for In-Home Support Services and Medi-Cal eligibility reassessments to happen every three years rather than every year.

## **27. IN-HOME SUPPORT SERVICES: HOME-BASED SUPPORT**

\*submitted by other individual

PROBLEM: Families and caregivers are forced to make the decision to place their child in a facility or congregate care due to lack of resources.

BACKGROUND: Currently, once a client that is a dependent of the state reaches the age of 21, all funding with the exception of Supplemental Security Income and In-Home Support Services is no longer available. Placing an individual in a facility is much more expensive-to the state.

SOLUTION: Create a program that will continue to support clients with severe disabilities that require full care in a home-based setting where they can continue to receive quality care in the least restrictive environment.

## **28. REGIONAL CENTERS AND SELF DETERMINATION PROGRAM**

\*submitted by other individual

PROBLEM: Community is not informed on the process of the self-determination program.

SOLUTION: Mandate regional centers to report on the Self Determination Program process to the community similar to the annual POS reports. In a proactive way, create more accountability and clarity on the SDP program. Monitoring and sharing data is crucial for the community to be collaborative in the participation and support.

## **29. REGIONAL CENTERS: VENDOR REVIEW SYSTEM**

\*submitted by other individual

PROBLEM: The scarcity of available services and lack of available knowledge about the quality of the agencies and individuals providing services leave self-advocates and family members with a difficult time choosing between services.

SOLUTION: Regional centers should be required to create an online review system for vendors where families can rate the services they receive.

## **30. CHILDREN'S RESIDENTIAL CARE REMOVAL**

\*submitted by other individual

PROBLEM: The automatic removal of young people in children's residential care once they reach age 22.

SOLUTION: Amend Title 17 and Title 22 to authentically reflect Home and Community-Based Services and choice.

### **31. REGIONAL CENTERS: COMPENSATORY SERVICES**

\*submitted by other individual

PROBLEM: There is no way to combat or advocate against the frequent delays people have accessing regional center services. The only option is to file a fair hearing request to appeal the "apparent" denial of a service when an excess of time has passed since the request for the service.

BACKGROUND: In special education, there is a concept called compensatory education. If a service is requested, denied or not responded to, one can appeal that decision. In the appeal process (whether in an informal meeting, mediation, or the actual due process hearing), the student is frequently awarded compensatory education going all the way back to when the person first requested the services, even if many months or even over a year has passed. If someone should have received a special education service, they are awarded services commensurate to the loss of those services, for a time period going back as far as two years. No such provision exists in regional center cases.

SOLUTION: Replicate the special education compensatory education system for Regional Centers by requiring regional centers to fund compensatory services in situations where they should have provided a service but did not. Additionally, regional centers should be authorized to offer compensatory services as part of settlement agreements and the informal meeting and mediation in the fair hearing process.

### **32. SELF-DETERMINATION PROGRAM TRANSLATORS**

\*submitted by other individual

PROBLEM: There are few independent facilitators in the Self-Determination Program and even less that speak languages other than English. This makes access to support, a central principle of the Self-Determination Program, difficult or impossible for self-advocates and family advocates to access.

SOLUTION: Require the Department of Developmental Services to devote a specified percentage of their budget to reduce Regional Center disparities by funding interpreters and translators to work with independent facilitators.

### **33. REGIONAL CENTERS: DATA**

\*submitted by other individual

PROBLEM: The lack of available data concerning the Self-Determination Program and the pandemic services provided through Regional Centers.

SOLUTION: Require Regional Centers to disclose service dollar data with the disparity data concerning the Self-Determination Program and the pandemic services provided through Regional Centers.

### **34. REGIONAL CENTERS: APPEAL PROCESS**

\*submitted by other individual

PROBLEM: Regional Centers are hiring attorneys to aid them in appeal hearings with families.

BACKGROUND: The appeal process is intended to be a family friendly process. The use of attorneys demonstrates an attitude of refusing to work with families to resolve disagreements formally. Most families do not stand a chance when the Regional Centers use an attorney in fair hearings.

SOLUTION: Require that if the Regional Center hires an attorney to represent them, they fund an attorney to represent the self-advocate and/or the family. Note this is not a reimbursement, this is straight up funding. Families living in poverty cannot afford to lay out the expenditures and get reimbursed later.

### **35. REGIONAL CENTERS: BOARD MEETING TRANSPARENCY**

\*submitted by other individual

PROBLEM: The inability of the public to meaningfully participate in Regional Center board meetings and other public meetings.

BACKGROUND: The Lanterman Act requires Documents reviewed by Regional Center boards to be available. Some Regional Centers put one copy of the packet for the public to examine and share. Others put out copies. Others will charge. Additionally, public input is only taken on issues where action will be taken or issues not on the agenda. No public comment is taken on issues on the agenda where no action will be taken.

SOLUTION: Require regional centers to comply with the Bagley-Keene Open Meeting Act or the Brown Act.

### **36. REGIONAL CENTERS: DATA SHARING**

\*submitted by other individual

PROBLEM: Regional Centers do not make their data on the services they provide available to the public.

BACKGROUND: Regional Centers are contractees of California's Department of Developmental Services. In the past Regional Centers have claimed that they comply with Public Records Act requests in order to oppose legislation, but currently they state that they don't have to follow it.

SOLUTION: Require regional centers to comply with the Public Records Act.

### **37. CONSERVATORSHIP TIMEFRAMES**

\*submitted by other individual

PROBLEM: Under current law, conservatorships may last into perpetuity even if there is no evidence that the conservatorship is necessary or needs to continue.

SOLUTION: Conservatorships need to be limited to a specific timeframe, with a process that is based on evidence that the conservatorship is necessary prior to renewal.

## **Public Safety Bill Ideas**

### **1. LAW ENFORCEMENT TRAINING**

\*submitted by community member

Problem: The systemic abuse of individuals on the autism spectrum by law enforcement.

Solution: Helping law enforcement officers become more capable of identifying and approaching persons appropriately on the Autism Spectrum. We are already engaged with law enforcement on the specifics of this idea, and they are very clear about the expectations. We have also introduced this idea to our Champions (the youth and adults living with autism), and they are excited about this important opportunity.

### **2. UPDATED EMERGENCY LAWS**

\*submitted by community member

PROBLEM: the public safety of children and adults on the autism spectrum

SOLUTION: Emergency laws

### **3. FIRST RESPONDER COMMUNICATION**

\*submitted by family member

PROBLEM: Communication failures between first responders and individuals with different communications styles.

SOLUTION: Much like organ donors have a visual identifier on their Driver's License/CA ID, allow residents to self-identify their special needs. California should establish a symbol/icon that identifies a person as requiring unique methods of communication. The icon would be a visual method to alert first responders to check a database to learn what the person is identified as their special circumstance and how best to interact with them. For example:

-Someone with Autism: 'avoid yelling instructions, no bright lights, avoid physical touch' and 'best method of communication is a low voice, speak slowly and wait 5-10 seconds for a response'.

-Someone with epilepsy: 'shouting and physical movements are involuntary and will subside over time' and 'best method of communication is help me to a seated position, encourage me to breathe slowly, if possible, play calming instrumental music/lullaby'.

### **4. ABUSE SETTLEMENT TRANSPARENCY**

\*submitted by family member

PROBLEM: People with IDD have the highest rates of abuse and a broad lack of understanding and systems, other than "Awareness Months". Training district attorneys and increasing penalties for conviction is being discussed. We need to uncover the abuse with an understanding of how secret settlements are keeping people quiet, to suffer in silence and live in fear as they don't even trust their loved one out of the home. This then burdens the family caregiver, as 80% of people with intellectual and developmental disabilities in the regional center system live with their families. Caregivers need to know where the safe places are and when abuse happens, how it is responded to.

SOLUTION: "Secret Settlement Transparency for Dependent Adults with Intellectual and Developmental Disabilities Who Are Victims of Sexual Assault." We need data on the cover-up of abuse via an annual report on secret settlements that is managed by the Attorney General's office. Without data, we cannot discuss solutions.

### **5. CAREGIVER ABUSE**

\*submitted by family member

**PROBLEM:** The problem of abusive caregivers moving from job to job where they can commit more abuse. Unless there is a criminal record, potential employers do not have a way of tracking an applicant's history of abuse.

**SOLUTION:** Establish a California Caregiver Abuse Registry. Registries like this already exist in 27 US states.

## **6. SEXUAL ASSAULT DATA**

\*submitted by family member

**PROBLEM:** There is a lack of quality data on the number of people with intellectual disabilities who have been sexually assaulted.

**BACKGROUND:** "If this were any other population, the world would be up in arms," Nancy Thaler, a Pennsylvania Department of Human Services deputy secretary in charge of the state's developmental disability programs, told NPR. "We would be irate, and it would be the No. 1 health crisis in this country." We cannot develop specialized treatment programs or apply for grant funding to combat or treat this problem without increased data and knowledge about the where, when, how, and by whom these crimes are being committed. Bureau of Justice found that people with any type of disability are more than two times more likely to be sexually assaulted than people without disabilities, but there were previously no government statistics on the subject concerning intellectual disabilities, specifically.

**SOLUTION:** Require law enforcement agencies to receive at least 8 hours of training annually on how to interview and assist someone with intellectual disabilities//developmental disabilities/Autism.

-Require law enforcement agencies, child protective and adult protective agencies to collect specific data regarding the number of people with intellectual disabilities//developmental disabilities/Autism in the State of California who have been assaulted.

-Hire social science researchers to collect and disseminate this data annually to all law enforcement, regional centers, and child and adult protective agencies working with this population.

## **7. LEGAL PROCESS DISABILITY ISSUES**

\*submitted by family member

**PROBLEM:** The legal system does not take into account the fact that an individual has a disability and should be dealt with differently from other individuals.

**BACKGROUND:** If a person has been identified as having an intellectual or developmental disability or has been a client who has received special services from a regional center or school during their lifetime, their court and sentencing process should be somewhat different than the norm. They deserve special consideration throughout the process and a special sentence with a distinct emphasis on services similar to an individualized program plan. The state of New Mexico has had such legislation for years.

**SOLUTION:** Create a special sub-unit in all prosecutor's offices with special training focused on dealing with individuals with intellectual and developmental disabilities.

## **8. ABUSE OF PEOPLE WITH DISABILITIES**

\*submitted by family member

**PROBLEM:** The abuse of individuals with disabilities is a significant problem in the community.

**SOLUTION:** While this bill idea did not provide concrete solutions, examples might include creating programs focused on identifying abuse and communicating it to authorities. Also consider expanding educational opportunities aimed at protecting individuals with disabilities from abuse.

## **9. POLICE TRAINING**

\*submitted by self-advocate

**PROBLEM:** There is a lack of proper training for police officers on how to interact with people with disabilities.

**SOLUTION:** Mandate that police must attend training on interacting with people with disabilities. That includes information about different disabilities, including Autism Spectrum Disorders, deafness, and physical disabilities.

## **10. LAW ENFORCEMENT**

\*submitted by other individual

**PROBLEM:** Law enforcement officers pose a high risk to I/DD individuals.

**SOLUTION:** Any law enforcement officer entering a home with an individual with a I/D disability not be armed, not be required to handcuff and that the officer(s) will not have implied immunity. Also, the community needs to be more involved.

## Assorted Bill Ideas

### 1. **AMERICANS WITH DISABILITIES ACT: CHANGING STATIONS - PUBLIC ACCESS**

\*submitted by expert

Problem: individuals with Cerebral Palsy (CP) and similar disabilities need access to bathroom changing stations. The “baby” changing station with a picture of the baby is demeaning and the changing stations are not big enough and cannot support an adult.

Solution: public places such as parks, stores, malls, etc. should be required to have a bathroom that accommodates individuals with CP and similar disabilities.

Accommodations might include removing the pictures of the baby, reinforcing the stations so that it's strong enough to support an adult. For businesses like malls, they should be required to provide these accommodations on every floor.

### 2. **AMERICANS WITH DISABILITIES ACT (ADA): WHEELCHAIR ACCESS**

\*submitted by family member

PROBLEM: The inaccessibility of the park, beach, trail, lake to individuals who use wheelchairs

BACKGROUND: Please see: <https://curbfreewithcorylee.com/2014/11/20/most-wheelchair-accessible-beaches-in-the-world/>

SOLUTION: Options such as Mobi Mats can be put on the ground to create a smooth area for wheelchairs and those using rollator type devices. This is far less expensive than concrete or asphalt. For ocean/lake access, a movable ramp could be placed at the end of the mobi mat so a person can have direct access to the water. At the beach, a lifeguard could be asked to move the ramp as the water changes and monitor/advise on water conditions. Park rangers could do the same for lake access.

### 3. **AMERICANS WITH DISABILITIES ACT: PUBLIC ACCESSIBILITY**

\*submitted by family member

PROBLEM: lack of access to outdoor areas, particularly state beaches, beaches in the national park system and beaches under municipal jurisdiction for individuals with disabilities.

SOLUTION: Mandate that simple wooden platforms/paths over the sand to the water, ramps down steep embankments to the beach, and walkways/paths over the sand to the water be built at all national, state, and municipal beaches.

**4. AMERICANS WITH DISABILITIES ACT: BUILDING ACCESS**

\*submitted by other individual

PROBLEM: People with disabilities cannot effectively access buildings built before the Americans with Disabilities Act was put into place.

SOLUTION: All buildings should be retrofitted so they are accessible to people with disabilities.

**5. GOVERNMENT: PUBLIC IN PERSON MEETINGS**

\*submitted by expert

PROBLEM: people with intellectual and physical disabilities often have difficulty participating in-person at public meetings. If public entities return to meeting in person only at some point, people who have been able to increase their participation through Zoom, should have the right to continue to participate in this manner.

SOLUTION: require public agencies to allow "virtual participation" in lieu of making physical appearances.

**6. GOVERNMENT: PUBLIC MEETING GOVERNANCE: GREENE ACT**

\*submitted by community member

PROBLEM: participation in Community Advisory Committees for school districts. Currently, public participation is limited under the Brown Act to in the form of Public Comment. The Greene Act allows community members to participate more fully, including asking questions during presentations. However, the Greene Act is limited to SELAC meetings (Site English Learners Advisory Committee) and DELAC (District English Language Advisory Committee), but most districts even run those using the Brown Act limitations to community participation.

BACKGROUND: As a CACSE leader I want to be a participant in the discussions at DELAC meetings where I am refused participation due to not fitting the criteria for membership. My district limits DELAC membership to those that are a parent or guardian of a student who is an English Learner. I have attended the meetings for years and witness that a Special Education lens is missing from the presentations.

SOLUTION: amend the Greene Act to include all advisory committees that districts are mandated to have including DELAC, CACSE (Community Advisory Committee for Special Education) and advisory committees that are school district created.

**7. GOVERNMENT: VIRTUAL ACCESS TO PUBLIC MEETINGS**

\*submitted by family member

PROBLEM: Voices of those with disabilities are not being heard by elected officials and lawmakers.

SOLUTION: Those with disabilities and their caregivers should be allowed to attend public meetings virtually. COVID-19 allowed unprecedented access for those representing these voices.

**8. GOVERNMENT: BROWN ACT EXPANSION**

\*submitted by family member

PROBLEM: In-person participation at meetings of community advisory committees (CAC) to the special education local plan areas (SELPA) is a challenge for the families of students with disabilities.

BACKGROUND: CAC attendees are typically parents of children with disabilities, a population with little time and inclination to spend 30-60 minutes in traffic to attend a CAC meeting. CAC to the SELPA meetings are subject to the Brown Act and thus are required to be in-person or with disclosed addresses of committee members if via Zoom. During the COVID lockdown we were able to increase CAC participation dramatically because we could do it via Zoom under suspension of Brown Act requirements.

SOLUTION: Make CAC to the SELPA meetings permanently accessible via Zoom to increase community participation and willingness to serve on the CAC - carve out an exception to the Brown Act for the CAC.

**9. GOVERNMENT: DATA COLLECTION**

\*submitted by family member

PROBLEM: Data collection by the government implies that there are different races, but there are not.

SOLUTION: remove race-based data in recognition that there is only one race - the human race. This will help people get over their fears of what is different and will unite us all.

***Inclusive Higher Education Act for CA  
Proposal by the Inclusive College Alliance (ICA) for  
Students with Intellectual and Developmental Disabilities.***

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**Goal:**

To increase living wages & employment for people with intellectual and developmental disabilities.

**Proposal:**

Allocate \$8 million in perpetual funds to establish and/or maintain 8 inclusive college programs for students with intellectual & developmental disabilities at 8 public 4-year universities (1 million per campus).

The inclusive PSE programs will:

1. Serve students with intellectual and developmental disabilities (as defined by WIC sec. 4512); participants typically do not take courses for credit & are not seeking a traditional degree.
2. Provide students with a person-centered planning process & the opportunity to pursue an educational credential in alignment with Think College Model Standards.
3. Provide inclusive academic enrichment, socialization, independent living skills, & integrated work experiences that develop career skills leading to gainful employment.
4. Provide individual supports and services for academic & social inclusion in academic courses, extracurricular activities, housing and other aspects of campus life.
5. Establish strategies to recruit & support students from historically underserved communities.

These funds will allow participating programs to accept cohorts of 12 new students/year. Assuming 48 students/yr for 4-year programs at 8 universities, these funds would serve a total of 384 students/year. The funds will provide for:

1. Administrative salaries (e.g. Program Director and other support staff)
2. Faculty training in Universal Design for Learning (UDL) & evidence-based best practices.
3. Tuition, fees, & living expenses
4. Student support services
5. Outreach, data collection & dissemination, and operational costs.

Allocate \$2 million in additional funds to establish a California UC/CSU Coordinating Center for Inclusive PSE. There are currently 66,000 California transition-age students with intellectual disabilities waiting for PSE opportunities. Our long term goal is to have high quality programs at all 32 CSU and UC campuses.

The coordinating center will:

1. Foster the growth of high quality inclusive PSEs across California.
2. Develop roadmaps to employment & provide employment support.
3. Share best practices in curriculum design & inclusive education.
4. Help programs develop sustainability
5. Serve as a liaison between adult transition services, 2-year, & 4-year inclusive PSE opportunities.
6. Develop a universal, affordable path to admissions and completion. The funds will provide for an Executive Director; Employment, Education & Outreach Teams; & other operational costs.

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February 10, 2022

**AGENDA ITEM 10.**

**ACTION ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***First Draft – 2021 EFC Report***

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Pursuant to California Welfare and Institutions Code Section 4868 (e), the Employment First Committee shall produce an annual report to the Legislature describing its work and policy recommendations.

The Committee will review the draft report and begin the comment period identified in the attached timeline.

***Attachments***

Draft 2021 EFC Report  
2021 EFC Report Timeline

***Handout(s)***

May be additional handouts the day of the meeting.

# **DRAFT - Report of the Employment First Committee for 2021**

## **Executive Summary**

### **TO BE UPDATED ONCE REPORT IS COMPLETE**

This is the 2020 annual report of the Employment First Committee (EFC) convened by the State Council on Developmental Disabilities. EFC is tasked with advancing competitive integrated employment (CIE) for people with developmental disabilities by identifying: 1) the respective roles and responsibilities of state and local agencies; 2) strategies and best practices for increasing employment, including transition practices; 3) sources of employment data and recommended approaches for measuring progress; 4) demographic data that can be matched to employment outcomes; and 5) goals for measuring employment participation and outcomes for various people with developmental disabilities across service systems.

The world has changed a great deal over the past year as a result of the COVID-19 pandemic. In California and across the nation, unemployment rates are at record highs. Those rates are significantly higher when focusing on people with disabilities. However, as California begins to open up and build back, we are presented important new opportunities to achieve meaningful change. To that end, sub-committees of the EFC have made recommendations to the Governor's Taskforce on Business, Jobs and Recovery. We also provided recommendations to the California Labor and Workforce Development Agency to help ensure that people with intellectual and developmental disabilities are considered and included in efforts to rebuild. Additionally, we reviewed the State of California Developmental Disabilities System Employment Data Dashboard and made recommendations on how to enhance the accessibility of the information.

Even before COVID-19 the majority of working age adults with developmental disabilities remained unemployed or underemployed. We recognize that now, more than ever, California has the opportunity to become a national leader in CIE. Although California has a strong Employment First Policy, it has not yet been fully actualized. Some of the current barriers include: 1) insufficient measurable outcome data that allow for an evaluation of effective practices for CIE; 2) shortfalls in employment service provider availability and retention; and 3) insufficient availability of comprehensive benefits planning and education for individuals and families.

This report discusses some of the efforts that have been undertaken in 2020 to address these barriers and includes policy recommendations for the Legislature and Administration to meet these challenges.

## **Impact of COVID on Employment**

### **NEEDS UPDATING**

The COVID-19 Pandemic, which began roughly in March of 2020, threw the nation into a economic recession unlike any seen before due to the immediate nature of the reaction. Workers throughout the United States went from being employed to temporarily furloughed or unemployed almost overnight. In fact, the number of unemployed persons increased from 15.9 million to 23.1 million in the month of April, according to the Bureau of Labor Statistics.

Additionally, this data shows that, if using February 2020 as the baseline for pre-pandemic employment status, the employment status of people with disabilities decreased by 18.8% compared to 15.5% for people without disabilities between February and April. The statistics also show that individuals with disabilities did not bounce back to the same degree as people without disabilities: in June 2020, 12.1% fewer people with disabilities were employed than in February 2020 compared to 9.5% of people without disabilities. Lastly, when using the same metric for February to October, the data shows that 8.5% fewer people with disabilities were employed in October of 2020 compared to February 2020 compared to only 4.7% of people without disabilities. This information shows that individuals without disabilities were almost twice as likely (8.5% to 4.7%) to rebound from the Pandemic as people with disabilities.<sup>1</sup>

## **Federal Policies Impacting CIE in California**

### **NEEDS UPDATING**

The ongoing implementation of federal policy changes are moving California to realize improved employment outcomes in the future. The following highlights those changes.

#### **Home and Community Based Services (HCBS) Settings Rule**

- In 2014, the Centers for Medicaid and Medicare Services (CMS) published a final HCBS Settings Rule which states in part that residential and non-residential programs must provide services in the most integrated setting by March 2022. Given the COVID-19 pandemic, the deadline for implementation was moved to March 2023. California received initial approval for its plan in 2018 and is working towards final approval.

#### **Workforce Innovation and Opportunity Act (WIOA)**

- In 2014, WIOA was signed into law and superseded the Workforce Investment Act of 1998, amended the Wagner-Peyser Act, the Adult Education and Family Literacy Act, and the Rehabilitation Act. For people with disabilities, WIOA created a presumption of employability in CIE. For individuals with disabilities under age 25, it established strict requirements that must be met before a person can be placed in subminimum wage employment. The WIOA core partners are working on their shared commitment to CIE and are either in the process of phasing out or no longer placing people in subminimum wage employment. WIOA also focuses on ensuring that youth in transition from school to employment or post-secondary education are provided pre-employment transition. It also ensures that adults with disabilities in segregated and/or subminimum wage employment receive information about options to become employed in CIE. In early 2020, California submitted its draft Unified Strategic Workforce Development Plan (State Plan) for 2020-2023. The State Plan “represents agreement among partners identified in WIOA and serves as the framework for the development of public policy, fiscal investment, and operation of the state workforce and education system.”

#### **Achieving a Better Life Experience (ABLE) Act**

- In 2014, the ABLE Act was signed into law and allows people with disabilities under the age of 26 and their families to set up a special savings account to pay for disability-related expenses which are not taxed. The funds in the ABLE account are also not generally considered for the Supplemental Security Income (SSI) program or Medicaid

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<sup>1</sup> [https://www.statedata.info/sites/statedata.info/files/files/DN\\_69\\_D2.pdf](https://www.statedata.info/sites/statedata.info/files/files/DN_69_D2.pdf)

and other federal means-tested benefits. In December 2018, California launched its program.

#### Strengthening Career and Technical Education for the 21st Century Act

- In 2018, the *Strengthening Career and Technical Education for the 21st Century Act* was signed into law which reauthorized and amended the *Carl D. Perkins Career and Technical Education Act of 2006*. The Act provides expanded opportunities for all students, including students with disabilities, to explore, choose, and follow career and technical education programs of study and career pathways. In early 2020, California submitted its draft Strengthening Career and Technical Education for the 21st Century Act State Plan.

In addition, in 2020, the U.S. Civil Rights Commission issued a report, *Subminimum Wages: Impacts on the Civil Rights of People with Disabilities*.<sup>2</sup> The overarching finding in the report is that Congress should repeal 14(c) of the Fair Labor Standards Act, that allows for the payment of subminimum wage, with a planned phase-out period that will allow time for providers and people with disabilities to transition services. The Commission's research concluded that "Section 14(c) is antiquated as it was enacted prior to our nation's civil rights laws, and its operation in practice remains discriminatory by permitting payment of subminimum wages based on disability without sufficient controls to ensure that the program operates as designed "to the extent necessary to prevent curtailment of opportunities for employment."<sup>3</sup>

### **State Policies Impacting CIE in California**

#### **NEEDS UPDATING**

The State's policies impacting CIE are also being strengthened. This began in 2013 when California adopted its Employment First Policy (AB 1041 [Chesbro]). The policy states in part:

In furtherance of the purposes of this division to make services and supports available to enable persons with developmental disabilities...it is the policy of the state that opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. This policy shall be known as the Employment First Policy (Welfare and Institutions Code 4869(a)(1)).

Adopting the Policy was a critical step in beginning to develop the framework that ensures that CIE be given the highest priority, regardless of the severity of disability, in California. The following highlights additional progress made during this report period.

#### Self-Determination Program (SDP)

In 2013, the SDP (SB 468 [Emmerson]) was signed into law. SDP provides people with developmental disabilities receiving Regional Center services the option to choose their service providers. The SDP launched in the fall of 2018 and is in the third year of a three-year phase-in

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<sup>2</sup> <https://www.usccr.gov/pubs/briefing-reports/2020-09-17-Subminimum-Wages.php>

<sup>3</sup> Id. at pg. vii citing 29 U.S.C. §214(c).

process for 2500 people with developmental disabilities. As of December 2020, there 447 participants receiving services through the SDP.

## **Data Trends in Competitive Integrated Employment (CIE)**

### **NEEDS UPDATING**

Access to comprehensive data within and across systems is the cornerstone of evaluating and identifying barriers to achieving CIE. California continues to experience gaps in the ability to collect and analyze comprehensive data requiring stakeholders to rely on multiple data systems to create a holistic portrait of the barriers and achievements related to CIE.

California, like the rest of the United States, continues to see minimal change in the employment participation and unemployment rates for people with disabilities. People with disabilities continue to be much more likely to be unemployed or under-employed than people without disabilities.

A secondary analysis of the American Community Survey reported in 2019, the employment rate of working-aged people with disabilities was 38.9 percent compared to 78.6 percent of working-aged people without disabilities.<sup>4</sup> A gap of 39.8 percent that has remained relatively unchanged from 2018 to 2019.<sup>5</sup> Also, in 2019, 25.9 percent of working-aged people with disabilities were living in poverty compared to 11.4 percent of working-aged people without disabilities.<sup>6</sup> A gap of 14.5 percent.<sup>7</sup> In California in 2018, the percentage of working-aged people with disabilities who were not working but actively looking for work was 7.9 percent compared to 17.5 percent of working-aged people without disabilities.<sup>8</sup>

In 2017, the Department of Developmental Services reported that 14.5 percent of working-aged people with developmental disabilities who are receiving services through the Regional Centers were working compared to 14.2 percent in 2016.<sup>9</sup> In 2017, 23,265 Regional Center clients received wages.<sup>10</sup> The average monthly Regional Center clients' wage was \$725.<sup>11</sup> This calculation is made based on quarterly earnings to EDD, and if annualized, this amount is significantly below the federal guidelines in 2019 for one person at \$12,490. This is the most current data available as of this report. The Employment First Committee continues to work with the Department of Developmental Services and its partners to secure the most up to date data available.

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<sup>4</sup> <https://disabilitycompendium.org/annualreport> at pg. 16.

<sup>5</sup> Id. at pg. 17.

<sup>6</sup> Id. at pg. 15.

<sup>7</sup> Id. at pg. 20.

<sup>8</sup> [https://www.disabilitystatistics.org/StatusReports/2018-PDF/2018-StatusReport\\_CA.pdf](https://www.disabilitystatistics.org/StatusReports/2018-PDF/2018-StatusReport_CA.pdf) at pg. 35

<sup>9</sup> <https://dds.ca.gov/rc/dashboard/employment/33>

<sup>10</sup> Id.

<sup>11</sup> Id.

## **SIDEBAR: Internship Success Stories!** *(Have photos of participants too)*

### **NEEDS UPDATING**

Terry K. is a young man with a developmental disability. His dream job was to work as a Chef. He was able to intern at Eskaton in Sacramento county with a passionate group of Chefs and kitchen staff through the Paid Internship Program. After the PIP, he was hired permanently as a Dietary Aide in another Facility. Terry says "I work in an Assisted Living place for Senior Citizens: I work in the kitchen. I wash dishes, break down boxes and do some housekeeping like sweeping/mopping and help the Chef's with food preparation. I like the people I work with" and the best moments are "when I get to serve food to the residents". "I like having a good job!" Terry is thankful for the PIP opportunity, "I really love my job and love my coworkers. I'm glad I got the chance to do my internship so I could try out the job and get hired!"

### **Orange County Office Intern Identifying Systemic Issues within Orange County Public Schools**

Shanel Ames, SCDD PIP Intern spoke out at the Orange County Adult Transition Task Force (OCATTF) meeting to describe her experience interfacing with the various special education district offices. The OCATTF is a collaboration where leaders from education, business, service agencies and family advocacy groups come together to share resources and address programmatic concerns specific to the successful transition of individuals with disabilities from school to work and community living. Shanel was tasked to update the special education contact information for all school districts, CACs, and SELPAs in the county. She called the various districts to obtain information that was not otherwise available via website. She presented her experience to this task force of transition educators so they would be aware of the "real life" issues faced by someone with a disability in the workforce to help them better prepare their own transition students. Staff from four school districts treated her rudely by being impatient, unhelpful, and/or rude. In her words, "they would hang up on me, or in an unfriendly tone, tell me to speak louder and they became frustrated when having to spell out emails to me. In one situation, the secretary told me she wasn't interested in a fundraiser and hung up on me, twice." Following her presentation, one adult transition professional suggested that perhaps SCDD should have sent a formal letter to the school districts letting them know *in advance* that a person with a disability was going to be contacting them and what information she was attempting to gain, which was not the point of her sharing. SCDD staff confirmed the information sought was not the issue nor is it appropriate and/or necessary to notify districts in advance that a person with disability would be contacting them. This same district staff excused the behavior of the unprofessional district staff by assuming they likely conduct themselves in this way across the board. In spite of the absurd commentary from this one school district employee, Shanel said "I hope by sharing my experience, I can bring awareness of how people with disabilities are treated and that the special education departments can strive to improve their customer service to ALL callers."

AM was referred for DOR services by her Regional Center Service Coordinator. Her desired goal was to pursue clerical work. An Individualized Plan for Employment was written in support of this goal. She participated in formal training as well as clerical work experience at a local Job Center, in order to enhance her customer service and clerical skills.

She was referred to a Community Rehabilitation Program (CRP) for assistance with employment search. Her counselor additionally recommended her as a potential candidate for The State Internship Program with a large state agency in Sacramento. After initial screening, mock interviewing and resume revision by a team consisting of her DOR counselor, business specialist and PRIDE's Job Developer, she was interviewed and selected by the state agency as an Office Assistant intern. Her Regional Center Service Coordinator requested and received approval to fund the internship. The CRP trainer provided systematic instruction for each of the tasks associated with the Office Assistant position.

At the conclusion of the five-month (512 hour) internship, AM was placed on the L4 hiring list for Office Assistant-General. When a vacancy arose at the same agency following completion of internship, AM applied and was hired as an Office Assistant-General. She required minimal job coaching and was successfully transitioned to the Regional Center for follow-along. She has recently been encouraged by her manager to apply for a promotion with the same agency. Participation in the internship ensured AM gained hands-on experience learning the work of an Office Assistant, which she could later add to her resume. Her direct supervisor also became a source of professional reference as a result of the internship.

### **State and Local Implementation of Policies for CIE: California CIE Blueprint for Change** **NEEDS UPDATING**

In 2017, the Department of Education (CDE), Department of Developmental Services (DDS), and Department of Rehabilitation (DOR) issued the California Competitive Integrated Employment (CIE) Blueprint for Change (Blueprint).

The Blueprint is a proactive interagency plan between CDE, DDS, and DOR to jointly identify ways to increase CIE opportunities for individuals over a five-year period using existing resources and providing a roadmap on how best to implement CIE. In May 2020, the second CIE Annual Report was made available highlighting the work in the second year of implementation.

The report highlights state and local collaborative efforts and pathways to CIE that are making a difference in the lives of individuals with developmental disabilities and their families. Some key accomplishments during the second year of implementation that are highlighted in the report include:

The number of individuals with developmental disabilities working in CIE increased from 1,125 to 1,502.

The continued dissemination of the CIE Blueprint Written Guidance and Local Partnership Agreements (LPA) Template. An LPA identifies how Local Educational Agencies, DOR Districts, Regional Centers, and other stakeholders will work together to streamline service delivery and engage their local communities to increase opportunities for CIE. In 2020, 21 new LPAs between LEAs, DOR Districts, and Regional Centers were created and posted, bringing the cumulative total of LPAs to 49 and there are 5 currently under review. As of May 2021, there are

57 LPAs that have been submitted and 53 posted on the CHHS CIE webpage at <https://www.chhs.ca.gov/home/cie/>.

The leveraging of the Senate Bill (SB) 644 Limited Examination and Appointment Program (LEAP) Internship Program resulting in two additional individuals with developmental disabilities hired as full-time permanent state employees, joining the five who were hired during state fiscal year 2017-2018.

An increased utilization of work opportunities including the following:

- 26,247 students participated in paid work experience and unpaid community-based vocational education with CDE WorkAbility I (WAI).
- 35 individuals participated in On-the-Job Training (OJT) through DOR.
- 1,420 individuals participated in a DDS Paid Internship Program (PIP)
- Provided career counseling and information and referral (CC&IR) services to over 12,029 individuals working at subminimum wage, of which over 300 applied for vocational rehabilitation (VR) services and 10 achieved CIE.
- Engaged with employers and business partners in a variety of innovative ways including the following:
  - Participated in Employment Roundtables, formed Business Advisory Committees and Employer Panels and connected to Mayor's Committees to encourage businesses to hire individuals with developmental disabilities.
  - Initiated regional workgroups between LPA core partners and local workforce development partners to enhance and build upon business engagements.
  - The DDS approved the allocation of \$15 million to service providers who submitted a plan to become compliant with the Home and Community-Based Services (HCBS) Final Rule. 33 non-integrated employment programs were approved to use funding to modify their services to come into compliance. Since 2016-2017, 78 non-integrated programs have received funding.

### **New Legislative Efforts in 2021**

During the 2021 legislative session, three significant pieces of legislation were sponsored/supported by the organizations represented on the Committee. All three bills were successful in being signed by the Governor.

#### **Senate Bill 639 (Durazo)**

The State Council co-sponsored SB 639 with Disability Rights California and Legal Aid at Work. The bill phases out and ends California's participation in the federal subminimum wage program, also known as the 14(c). The bill will stop new certificates from being issued after January 1, 2022, and ends California's participation in the program in 2025. SB 639 includes a

planned phase-out period that will allow time for providers and people with disabilities to transition services. The bill was signed by the Governor on September 27<sup>th</sup>, 2021.

#### Assembly Bill 313 (C. Garcia)

The State Council supported Assembly Bill 313, which was sponsored by Disability Rights California and the Association of California State Employees with Disabilities and authored by Assemblymember Cristina Garcia. The bill will improve the Limited Examination and Appointment Program (LEAP) by ensuring individuals with intellectual and developmental disabilities have more job opportunities in civil service through the development of a report to the Legislature on the status of the employment of people with disabilities at state agencies. The bill was signed by the Governor on October 5<sup>th</sup>, 2021.

#### Assembly Bill 1578 (Committee on Judiciary)

Assembly Bill 1578 was the Committee on Judiciary's Omnibus bill for 2021, and the State Council was successful in having a one-year extension of the internship portion of the Limited Examination and Appointment Program's sunset. The bill extended the sunset from January 1<sup>st</sup>, 2022, to January 1<sup>st</sup>, 2023. The bill was signed into law by the Governor on October 30<sup>th</sup>, 2021.

Taken together, the federal and state policy changes are very promising for improving employment outcomes for Californians with developmental disabilities.

### **EFC's Activities in 2020**

#### **NEEDS UPDATING**

In August 2019, Committee members completed its annual strategic planning process and identified the goals and activities to work towards completing in 2020. While Committee members strived to make progress on these activities, the COVID-19 pandemic redirected priorities that impacted the planned outcomes for 2020.

The Committee convened several workgroup meetings to identify data that would be most useful and relevant in determining barriers to competitive integrated employment (CIE) and outcomes. This included identifying the data needed to maintain a useful and informative data dashboard. The Committee is on target to release a new and improved interactive data dashboard sometime in 2021.

In light of the COVID-19 pandemic, members also convened several workgroup meetings to develop recommendations for the Governor's Task Force on Business and Jobs Recovery to ensure that people with intellectual and developmental disabilities were being considered. These recommendations were subsequently approved by the Committee and sent to the Governor's Office in June of 2020.

Additionally, the Committee began working on recommendations to ensure that people with intellectual and developmental disabilities were being considered in the work the California Labor and Workforce Development Agency is doing to get people with I/DD back to work following the pandemic.

Finally, the Committee concluded the year by creating an outline of targeted issues to work on in 2021 which will include completing the updates to the data dashboard; convening workgroup

meetings to evaluate and provide recommendations to improve the service delivery system; evaluate emerging practices; and providing more education and training whenever possible.

## **Recommendations**

### **NEEDS UPDATING**

The EFC recommends that California undertake the following policy changes and activities to remove barriers to CIE and create a system that more fully supports CIE across agencies and departments with the goal of having an employment participation rate for people with disabilities, regardless of the significance of their disability, that is similar to that of people without disabilities. The recommendations included in this report represent the collective input of the EFC and have not been endorsed by the individual departments and organizations listed below.

#### **Legislative**

The State Legislature should require that any federal or state funding to employers to help businesses/agencies recover from the COVID-19 public health emergency:

- Should include a specific diversity, equity and inclusion requirements for spending the funds that would support the employment of people with disabilities.
- Should be mandated that funding cannot be used to support sub-minimum wage and/or segregated employment.
- Should include a component of required training on the Americans with Disabilities Act and other applicable laws pertaining to people with disabilities, for all employees and contractors.

The State Legislature should allocate funding to create career pathways and training that provides direct support to professionals with career advancement and credentialing to increase competency and professionalism to improve job retention and quality support for people with developmental disabilities.

The State Legislature should help prepare students with developmental disabilities for employment by expanding opportunities for post-secondary education for students with developmental disabilities within California's higher education systems (community college, state universities, the University of California, and College to Career programs).

The State Legislature should provide funding to promote the creation and enhancement of new and innovative projects that support CIE and facilitate systems transformation away from sheltered employment and segregated day services including funding for training and technical assistance from organizations successfully providing expertise to assist those in the process of transitioning with the goal of moving towards phasing out sub-minimum wage under 14(c) of the Fair Labor Standards Act and/or segregated employment.

The State Legislature should pass Senate Bill 639, authored by Senator Elena Durazo, which would phase out subminimum wage for people with disabilities in California, and present it to the Governor for signing at the end of the 2021 Legislative Session.

The State Legislature should pass legislation to create resources or incentives providing solutions and supports for employers who hire people with developmental disabilities and retain them long-term.

The State Legislature should pass legislation requiring outcome-driven evidence-based and/or promising practices that effectively enable people with disabilities to achieve CIE.

The State Legislature should increase funding for access to technology for people with disabilities who need to use it to enter or retain CIE.

#### Administrative

DDS should adopt a tiered incentive structure to implement Welfare and Institutions Code Section 4870 (d-g) that provides for higher incentive payments for individuals with the most significant disabilities.

DDS should invest in the collection and reporting of deaggregated, timely data with universal client identifiers across government systems to understand the factors that impact whether or not a person enters or retains CIE. DDS and the State Council should publicly report aggregate data on the Data Dashboard in a consumer friendly and accessible format so that the impact of CIE can be assessed and people with developmental disabilities and their families can make informed data-driven decisions about choosing the best pathway to CIE.

CDE, DDS, DOR, and the State Council should create data-sharing agreements across agencies that identify and quantify tertiary benefits of employment as a social determinant of health.

CDE, DOR, DDS and the Council should work collaboratively to promote a statewide multi-media public service campaign in traditional and social media with the goal of reducing the stigma around hiring individuals with developmental disabilities. The campaign should also highlight the impact and benefits to businesses when they hire a person with a developmental disability and highlight the accomplishments of people with developmental disabilities in CIE.

CDE, DOR and DDS should continue to expand opportunities for work experience, work-based learning, career-exploration, and internship opportunities for students with developmental disabilities through various opportunities, including increasing outreach to local businesses through partnerships with chambers of commerce.

CDE, DOR and DDS should continue their efforts to collaboratively work to streamline information sharing and service delivery planning to ensure that individuals with developmental disabilities, ensuring equity and inclusion for those from ethnically- and linguistically-diverse communities, experience a service delivery system that allows for unified planning, implementation, evaluation and data sharing across agencies.

## **Appendices**

### **EFC MEMBERSHIP FOR 2021**

- Wesley Witherspoon, Chair, State Council on Developmental Disabilities
- Michael Luna, Department of Developmental Services
- Cindy Chiu, Department of Rehabilitation
- Wilbert Francis, UCEDD, Tarjan Center at University of California, Los Angeles
- Sarah Isaacs, Disability Rights California
- Kara Ponton, Self-Advocate, State Council on Developmental Disabilities
  
- Steve Ruder, UCEDD, University of California, Davis MIND Institute
- Larry Yin, UCEDD, University of Southern California
- Nick Wavrin, California Department of Education

## **Statutory Responsibilities of the Employment First Committee (Welfare and Institutions Code §4868)**

(a) The State Council on Developmental Disabilities shall form a standing Employment First Committee consisting of the following members:

(1) One designee of each of the members of the state council specified in subparagraphs (B), (C), (D), (F), and (H) of paragraph (2) of subdivision (b) of Section 4521.

(2) A member of the consumer advisory committee of the state council.

(b) In carrying out the requirements of this section, the committee shall meet and consult, as appropriate, with other state and local agencies and organizations, including, but not limited to, the Employment Development Department, the Association of Regional Center Agencies, one or more supported employment provider organizations, an organized labor organization representing service coordination staff, and one or more consumer family member organizations.

(c) The responsibilities of the committee shall include, but need not be limited to, all of the following:

(1) Identifying the respective roles and responsibilities of state and local agencies in enhancing integrated and gainful employment opportunities for people with developmental disabilities.

(2) Identifying strategies, best practices, and incentives for increasing integrated employment and gainful employment opportunities for people with developmental disabilities, including, but not limited to, ways to improve the transition planning process for students 14 years of age or older, and to develop partnerships with, and increase participation by, public and private employers and job developers.

(3) Identifying existing sources of employment data and recommending goals for, and approaches to measuring progress in, increasing integrated employment and gainful employment of people with developmental disabilities.

(4) Identifying existing sources of consumer data that can be used to provide demographic information for individuals, including, but not limited to, age, gender, ethnicity, types of disability, and geographic location of consumers, and that can be matched with employment data to identify outcomes and trends of the Employment First Policy.

(5) Recommending goals for measuring employment participation and outcomes for various consumers within the developmental services system.

(6) Recommending legislative, regulatory, and policy changes for increasing the number of individuals with developmental disabilities in integrated employment, self-employment, and microenterprises, and who earn wages at or above minimum wage, including, but not limited to, recommendations for improving transition planning and services for students with developmental disabilities who are 14 years of age or older. This shall include, but shall not be limited to, the development of a policy with the intended outcome of significantly increasing the number of individuals with developmental disabilities who engage in integrated employment,

self-employment, and microenterprises, and in the number of individuals who earn wages at or above minimum wage.

This proposed policy shall be in furtherance of the intent of this division that services and supports be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age and that support their integration into the mainstream life of the community, and that those services and supports result in more independent, productive, and normal lives for the persons served. The proposed policy shall not limit service and support options otherwise available to consumers, or the rights of consumers, or, where appropriate, parents, legal guardians, or conservators to make choices in their own lives.

(d) For purposes of this chapter, the following definitions shall apply:

(1) "Competitive employment" means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

(2) "Integrated employment" means "integrated work" as defined in subdivision (o) of Section 4851.

(3) "Microenterprises" means small businesses owned by individuals with developmental disabilities who have control and responsibility for decision making and overseeing the business, with accompanying business licenses, taxpayer identification numbers other than social security numbers, and separate business bank accounts. Microenterprises may be considered integrated competitive employment.

(4) "Self-employment" means an employment setting in which an individual works in a chosen occupation, for profit or fee, in his or her own small business, with control and responsibility for decisions affecting the conduct of the business.

(e) The committee, by July 1, 2011, and annually thereafter, shall provide a report to the appropriate policy committees of the Legislature and to the Governor describing its work and recommendations. The report due by July 1, 2011, shall include the proposed policy described in paragraph (4) of subdivision (c).

#### *(PLAIN LANGUAGE VERSION)*

The Lanterman Act tells the State Council on Developmental Disabilities to have an Employment First Committee. This is what the Lanterman Act says about the Employment First Committee (EFC):

#### Why the EFC was created:

The Lanterman Act created the EFC to help get more people with developmental disabilities jobs in CIE.

### What is Competitive Integrated Employment (CIE):

It means good jobs with good pay (minimum wage or above). Jobs in the general workplace, where people with disabilities work with other people from their community who do not have disabilities. These are jobs where people with disabilities get the same pay and benefits as people without disabilities doing the same work and where they are paid directly by their employer. Having a good job can also include people who make money with their own small businesses or by working for themselves.

### Who is a member of the EFC?

The EFC includes representatives from departments of government and other organizations that help people with developmental disabilities get good jobs.

### What the EFC has to do:

Describe how the state government departments will work with each other to help people get good jobs with good pay.

Find what works to help people get good jobs with good pay.

Find good ways to plan for transition aged students (age 14 and above) to go to work after they are finished with high school, or their education beyond high school.

Find ways to encourage agencies to support people to get good jobs with good pay.

Develop partnerships with employers and agencies that help people find good jobs with good pay.

Find out how many people with developmental disabilities are working and how much money they are earning. Each year, measure if the state is getting better at supporting people to get good jobs with good pay.

Recommend ways the state can improve how they measure progress in helping people get employed.

Recommend goals for CIE for the state.

Recommend legislation and other ways that the state can do a better job of supporting people to get good jobs with good pay.

Recommend ways to improve helping transition age students (age 14 and above) go to work after they are finished with high school, or their education beyond high school.

Recommend an Employment First Policy that will get a lot more people good jobs with good pay, with the supports they need. This will help people with disabilities to be part of their communities, have jobs, and make money, just like other people their age without disabilities. The policy will make sure people can choose the services they want, like they do

now under the Lanterman Act. This policy is now California law.

Other things the EFC thinks will help.

The EFC has to send an annual report to the Legislature and the Governor. The report makes recommendations to the Legislature and the Governor and describes all the work of EFC. The Council approves the report.

**Definition of Developmental Disability in the Lanterman Developmental Disabilities Services Act (Welfare and Institutions Code §4512(a))**

“Developmental disability” means a disability that originates before an individual attains 18 years of age; continues, or can be expected to continue, indefinitely; and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability but shall not include other handicapping conditions that are solely physical in nature.

**Definition of Developmental Disability in the Developmental Disabilities and Bill of Rights Assistance Act (42 U.S.C. §15002(8)(A))**

The term “developmental disability” means a severe, chronic disability of an individual that —

(i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) is manifested before the individual attains age 22;

(iii) is likely to continue indefinitely;

(iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:

- (I) Self-care.
- (II) Receptive and expressive language.
- (III) Learning.
- (IV) Mobility.
- (V) Self-direction.
- (VI) Capacity for independent living.
- (VII) Economic self-sufficiency; and

(v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

## **2021 EFC Report Timeline**

<b><u>Start Date</u></b>	<b><u>Activity</u></b>	<b><u>Due Date</u></b>	<b><u>Responsibility</u></b>	<b><u>Notes</u></b>
10/7/21	<ul style="list-style-type: none"> <li>Complete Timeline</li> <li>Recap Theme adopted in 2020</li> <li>Assign Sections to be Drafted</li> </ul>		All Committee Members	
10/8/21	<ul style="list-style-type: none"> <li>Draft Sections of Report</li> <li>- Executive Summary (write once the rest of the report is written) (Sarah)</li> <li>- Impact of COVID on Employment (CIE) – (Matt)</li> <li>- Federal Policies Impacting CIE in California – staff to provide standard language</li> <li>- State Policies Impacting CIE in California – standard language</li> <li>- Data Trends in Competitive Integrated Employment (CIE) – (Blue Print team)</li> <li>- State and Local Implementation of Policies for CIE (Blueprint Partners) Internship Programs, Success, Opportunities and Challenges (what internships do you want to highlight)</li> <li>- Client Success Story (everyone)</li> <li>- New Legislative Efforts in 2021 – (Matt)</li> <li>- EFC's Activities in 2021 – Summaries of workgroup and committee work – Robin Maitino</li> <li>- Recommendations – All</li> <li>- Appendices – Robin Maitino</li> </ul>	11/18/21	See list	Send completed sections to Matt, Robin and Tania by 11/18 to incorporate into one document.
12/4/21	<ul style="list-style-type: none"> <li>Staff Send out Draft Report</li> </ul>			
12/5/21	<ul style="list-style-type: none"> <li>Dec 5<sup>th</sup> to Dec 31<sup>st</sup> to review and provide recommendations</li> </ul>	12/31/21		
1/15/22	<ul style="list-style-type: none"> <li>Develop February Meeting Packet</li> </ul>		Council Staff	

<u><b>Start Date</b></u>	<u><b>Activity</b></u>	<u><b>Due Date</b></u>	<u><b>Responsibility</b></u>	<u><b>Notes</b></u>
<b>February 2022</b>	<ul style="list-style-type: none"> <li>Review Draft Report at EFC Meeting</li> </ul>		<b>All Committee Members</b>	<b>First Committee meeting of the year.</b>
February-2022	<ul style="list-style-type: none"> <li>Comment Period</li> </ul>	3/15/21	All Committee Members	
March-2022	<ul style="list-style-type: none"> <li>All Comments Due to Council Staff</li> </ul>	3/18/21	All Committee Members	
March-22	<ul style="list-style-type: none"> <li>Incorporate Final Comments</li> </ul>	4/12/21	Council Staff	
Apr-22	<ul style="list-style-type: none"> <li>Develop May Meeting Packet</li> </ul>	TBD	Council Staff	
<b>May-2022</b>	<ul style="list-style-type: none"> <li><b>Approve Final Report at EFC Meeting</b></li> </ul>	<b>TBD</b>	<b>All Committee Members</b>	<b>Second Committee meeting of the year.</b>
May-Jun 2022	<ul style="list-style-type: none"> <li>Council Approves Final Report</li> </ul>	Jun 2021	Council	
7/1/22	<ul style="list-style-type: none"> <li>Submitted to the Legislature</li> </ul>		Council Staff	
July 2022	<ul style="list-style-type: none"> <li>Distribute to Stakeholders.</li> </ul>		Council Staff	

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**February 10, 2022**

**AGENDA ITEM 11.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***Update on CIE Blueprint Implementation***

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Michael Luna with the Department of Developmental Services, Nick Wavrin with the Department of Education, and a representative from the Department of Rehabilitation will be asked to provide a report on the progress of the Blueprint Implementation across the Departments prior to the meeting.

***Attachments***

None – may be handouts the day of meeting.

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February 10, 2022

**AGENDA ITEM 12.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***Update on the Implementation of the Data Sharing Legislation***

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Michael Luna with DDS will be asked to provide a report on the implementation of the data sharing legislation.

***Attachments***

None – May be handouts the day of meeting.

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**February 10, 2022**

**AGENDA ITEM 13.  
INFORMATIONAL ITEM**

**STATE COUNCIL ON DEVELOPMENTAL DISABILITIES – EFC**

***Member Updates***

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Members will provide updates on local and/or agency activities related to the employment of people with developmental disabilities.

***Attachments***

None – May be handouts the day of the meeting.